

AMENDED IN ASSEMBLY SEPTEMBER 2, 2009

AMENDED IN ASSEMBLY JUNE 22, 2009

AMENDED IN SENATE MAY 28, 2009

AMENDED IN SENATE MAY 5, 2009

AMENDED IN SENATE APRIL 20, 2009

AMENDED IN SENATE APRIL 13, 2009

## **SENATE BILL**

**No. 819**

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**Introduced by Committee on Business, Professions and Economic Development (Negrete McLeod (chair), Aanestad, Corbett, Correa, Florez, Oropeza, Romero, Walters, Wyland, and Yee)**

March 10, 2009

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An act to amend Sections 27, 101, 128.5, 144, 146, 149, 683, 733, 800, 801, 803, 2089.5, 2096, 2102, 2107, 2135, 2168.4, 2175, 2221, 2307, 2335, 2486, 2488, 2570.5, 2570.6, 2570.7, 2570.185, 2760.1, 3503, 3517, 3518, 3625, 3635, 3636, ~~3685~~, 3753.5, 4022.5, 4027, 4040, 4051, 4059.5, 4060, 4062, 4076, 4081, 4110, 4111, 4126.5, 4161, 4174, 4231, 4301, 4305, 4329, 4330, 4857, 4980.30, 4980.43, 4996.2, 4996.17, 4996.18, 5801, 6534, 6536, 6561, 7616, 7629, 8030.2, 8740, and 8746 of, to add Sections 2169, 2570.36, 4036.5, 4980.04, 4990.09, and 9855.15 to, and to repeal Sections 2172, 2173, 2174, 4981, 4994.1, 4996.20, 4996.21, and 6761 of, the Business and Professions Code, to amend Section 8659 of the Government Code, to amend Sections 8778.5, 11150, and 11165 of the Health and Safety Code, and to amend Section 14132.100 of the Welfare and Institutions Code, relating to professions and vocations, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

## LEGISLATIVE COUNSEL'S DIGEST

SB 819, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards and bureaus within the Department of Consumer Affairs.

Existing law requires certain boards and bureaus to disclose on the Internet information on licensees.

This bill would require the Cemetery and Funeral Bureau to disclose on the Internet information on specified licensees.

(2) Under existing law, if, upon investigation, a specified state regulatory agency has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services, without being properly licensed by or registered with that agency, the agency is authorized to issue a specified citation.

This bill would add the Physical Therapy Board of California to those authorized agencies.

Existing law requires specified licensure boards to report to the State Department of Health Care Services the name and license number of a person whose license has been revoked, suspended, surrendered, made inactive, or otherwise restricted, and requires specified licensure boards to create and maintain a central file of the names of all persons who hold a license from the board, and to prescribe and promulgate written complaint forms, as specified.

This bill would also subject the California Board of Occupational Therapy to these requirements, and would subject the Acupuncture Board to the requirement to create and maintain a central file of the names of its licensees and to prescribe and promulgate written complaint forms, as specified.

(3) Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. The act requires each applicant for a physician and surgeon's license to meet specified training and examinations requirements, authorizes the appointment of examination commissioners, requires that examinations be conducted in English, except as specified, allows the examinations to be conducted in specified locations, requires notice of examinations to contain certain information, and requires examination records to be kept on file for a period of 2 years or more. The act authorizes a person whose certificate has been surrendered, revoked,

suspended, or placed on probation, as specified, to petition for reinstatement of the certificate or modification of the penalty if specified requirements are met. Under existing law, any person who meets certain eligibility requirements, including, but not limited to, the requirement that the person is academically eminent, as defined, may apply for a special faculty permit that authorizes the holder to practice medicine, without a physician's and surgeon's certificate, within the medical school itself and certain affiliated institutions.

This bill would revise the training requirements for a physician and surgeon's license, and would delete the requirement of passage of a clinical competency examination that is applicable to certain applicants. The bill would delete the provisions related to the appointment of examination commissioners, examinations being conducted in English and examination interpreters, the location of examinations, and examination notices. The bill would also delete the requirement that the board keep examination records on file for at least 2 years, and would instead require the board to keep state examination records on file until June 2070. The bill would revise the requirements for a petition for reinstatement or modification, as specified. The bill would require the holder of a special faculty permit to meet the same continuing medical education requirements as the holder of a physician's and surgeon's certificate and would also require a special faculty permit holder to show that he or she meets these requirements at the time of permit renewal.

Existing law provides for the licensure and regulation of podiatrists by the Board of Podiatric Medicine in the Medical Board of California. Existing law authorizes the Board of Podiatric Medicine to issue an order of nonadoption of a proposed decision or interim order of the Medical Quality Hearing Panel within 90 calendar days. Existing law requires an applicant for a certificate to practice podiatric medicine to meet specified application procedures.

This bill would instead authorize the Board of Podiatric Medicine to issue an order of nonadoption of a proposed decision or interim order of the Medical Quality Hearing Panel within 100 calendar days. The bill would revise the application procedures for a certificate to practice podiatric medicine, as specified.

(4) Existing law, the Occupational Therapy Practice Act, provides for the licensure of occupational therapists and the certification of occupational therapy assistants by the California Board of Occupational Therapy. Existing law requires an occupational therapist to document

his or her evaluation, goals, treatment plan, and summary of treatment in the patient record. Existing law authorizes a limited permit to practice occupational therapy to be granted if specified education and examination requirements are met, but provides that if the person fails to qualify for or pass the first announced licensure examination, all limited permit privileges automatically cease upon due notice. Existing law requires an applicant applying for a license or certification to file with the board a written application provided by and satisfactory to the board, showing that he or she meets certain requirements, including, but not limited to, successful completion of an educational program's academic requirements approved by the board and accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education (ACOTE) and successful completion of a period of supervised fieldwork experience. Existing law also specifies the curriculum requirements for an education program for occupational therapists and occupational therapy assistants.

This bill would require an occupational therapy assistant to document in the patient record the services provided to the patient, and would require an occupational therapist or assistant to document and sign the patient record legibly. The bill would revise the provisions related to limited permit privileges to instead provide that a person's failure to pass the licensure examination during the initial eligibility period would cause the privileges to automatically cease upon due notice. The bill would require that the applicant successfully complete the educational program's academic requirements approved by the board and accredited by ACOTE, or accredited or approved by the American Occupational Therapy Association's (AOTA) predecessor organization, or approved by AOTA's Career Mobility Program. The bill would also revise those curriculum requirements for an educational program. The bill would authorize an applicant who is a graduate of an educational program and is unable to provide evidence of having met the curriculum requirements to demonstrate passage of a specified examination as evidence of having successfully satisfied the curriculum requirements. The bill would require an applicant who completed AOTA's Career Mobility Program to demonstrate participation in the program and passage of a specified examination as evidence of having successfully satisfied the educational program and curriculum requirements. The bill would revise the supervised fieldwork experience requirement. The bill would require a licensee to report to the board violations of the Occupational Therapy

Practice Act by licensees or applicants for licensure and to cooperate with the board, as specified.

(5) Existing law, the Nursing Practice Act, provides for the licensure and regulation of nurses by the Board of Registered Nursing. Existing law authorizes a registered nurse whose license is revoked or suspended, or who is placed on probation, to petition for reinstatement of his or her license or modification of the penalty after a specified time period.

This bill would require a petition by a registered nurse whose initial license application is subject to a disciplinary decision to be filed after a specified time period from the date upon which his or her initial license was issued.

(6) Existing law, the Physician Assistant Practice Act, provides for the licensure and regulation of physician's assistants by the Physician Assistant Committee of the Medical Board of California. Existing law authorizes the committee to grant interim approval to an applicant for licensure as a physician assistant.

This bill would delete that authority to grant interim approval and would make conforming changes.

(7) Existing law, the Naturopathic Doctors Act, provides for the licensure and regulation of naturopathic doctors by the Bureau of Naturopathic Medicine. Existing law requires licensees to obtain continuing education through specified continuing education courses. Existing law requires a licensee on inactive status to meet certain requirements in order to restore his or her license to active status, including paying a reactivation fee.

This bill would revise the standards for continuing education courses. The bill would delete the requirement that a licensee on inactive status pay a reactivation fee in order to restore his or her license to active status, and would instead require him or her to be current with all licensing fees.

Existing law authorizes the Director of Consumer Affairs to establish an advisory council related to naturopathic doctors composed of members who receive no compensation, travel allowances, or reimbursement of expenses.

This bill would delete the requirement that the members of the advisory council receive no compensation, travel allowances, or reimbursement of expenses.

(8) Existing law provides for the licensure and regulation of respiratory care practitioners by the Respiratory Care Board of California. Existing law authorizes the board to direct a practitioner or

applicant who is found to have violated the law to pay the costs of investigation and prosecution.

This bill would also authorize the board to direct a practitioner or applicant who is found to have violated a term or condition of board probation to pay the costs for investigation and prosecution.

Existing law exempts certain healing arts practitioners from liability for specified services rendered during a state of war, state of emergency, or local emergency.

This bill would also exempt respiratory care practitioners from liability for the provision of specified services rendered during a state of war, state of emergency, or local emergency.

(9) Existing law, the Pharmacy Law, the knowing violation of which is a crime, provides for the licensure and regulation of pharmacists and pharmacies by the California State Board of Pharmacy.

Existing law authorizes a pharmacy to furnish dangerous drugs only to specified persons or entities, and subjects certain pharmacies and persons who violate the provision to specified fines.

This bill would provide that any violation of this provision by any person or entity would subject the person to the fine.

Existing law prohibits a person from acting as a wholesaler of any dangerous drug or device without a license from the board. Existing law requires a nonresident wholesaler, as defined, to be licensed prior to shipping, mailing, or delivering dangerous drugs or dangerous devices to a site located in this state.

This bill would modify that definition and would also require a nonresident wholesaler to be licensed prior to selling, brokering, or distributing dangerous drugs or devices within this state. By subjecting these nonresident wholesalers to these licensure requirements which include, among other things, payment of specified fees, the bill would increase that part of the revenue in the Pharmacy Board Contingent Fund that is continuously appropriated and would thereby make an appropriation.

Existing law requires a pharmacy or pharmacist who is in charge of or manages a pharmacy to notify the board within 30 days of termination of employment of the pharmacist-in-charge or acting as manager, and provides that a violation of this provision is grounds for disciplinary action.

This bill would instead provide that failure by a pharmacist-in-charge or a pharmacy to notify the board in writing that the pharmacist-in-charge has ceased to act as pharmacist-in-charge within

30 days constitutes grounds for disciplinary action, and would also provide that the operation of the pharmacy for more than 30 days without the supervision or management by a pharmacist-in-charge constitutes grounds for disciplinary action. The bill would revise the definition of a designated representative or designated representative-in-charge, and would define a pharmacist-in-charge.

Existing law makes a nonpharmacist owner of a pharmacy who commits acts that would subvert or tend to subvert the efforts of a pharmacist-in-charge to comply with the Pharmacy Law guilty of a misdemeanor.

This bill would apply this provision to any pharmacy owner.

The bill would require the board, during a declared federal, state, or local emergency, to allow for the employment of a mobile pharmacy in impacted areas under specified conditions, and would authorize the board to allow the temporary use of a mobile pharmacy when a pharmacy is destroyed or damaged under specified conditions. The bill would authorize the board, if a pharmacy fails to provide documentation substantiating continuing education requirements as part of a board investigation or audit, to cancel an active pharmacy license and issue an inactive pharmacy license, and would allow a pharmacy to reobtain an active pharmacy license if it meets specified requirements.

Because this bill would impose new requirements and prohibitions under the Pharmacy Law, the knowing violation of which would be a crime, it would impose a state-mandated local program.

Existing law requires pharmacies to provide information regarding certain controlled substances prescriptions to the Department of Justice on a weekly basis.

This bill would also require a clinic to provide this information to the Department of Justice on a weekly basis.

(10) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians by the Veterinary Medical Board. Existing law prohibits the disclosure of information about an animal receiving veterinary services, the client responsible for that animal, or the veterinary care provided to an animal, except under specified circumstances, including, but not limited to, as may be required to ensure compliance with any federal, state, county, or city law or regulation.

This bill would specify that such disclosure is prohibited except as may be required to ensure compliance with the California Public Records Act.

(11) Existing law provides for the licensure and regulation of educational psychologists, clinical social workers, and marriage and family therapists by the Board of Behavioral Sciences. Existing law generally provides for a system of citations and fines that are applicable to healing arts licensees.

This bill would prohibit the board from publishing on the Internet final determinations of a citation and fine of \$1,500 or less for more than 5 years from the date of issuance of the citation.

(12) Existing law, the Professional Fiduciaries Act, provides for the licensure and regulation of professional fiduciaries by the Professional Fiduciaries Bureau until July 1, 2011. Existing law also requires applicants to provide certain boards and bureaus with a full set of fingerprints for the purpose of conducting criminal history record checks. Existing law requires licensees to file and the bureau to maintain certain information in each licensee's file, including whether the licensee has ever been removed as a fiduciary by a court for breach of trust committed intentionally, with gross negligence, in bad faith, or with reckless indifference, or demonstrated a pattern of negligent conduct, as specified.

This bill would require the bureau to disclose on the Internet information on its licensees and would require applicants to the bureau to comply with that fingerprint requirement. The bill would require licensees to file and the bureau to maintain information regarding whether the licensee has ever been removed for cause or resigned as a conservator, guardian, trustee, or personal representative, as well as various other details relating to that removal or resignation. The bill would also make a conforming change.

(13) Existing law provides a comprehensive scheme for the certification and regulation of interior designers. Under existing law, a stamp from an interior design organization certifies that an interior designer has passed a specified examination and that he or she has met certain other education or experience requirements, such as a combination of interior design education and diversified interior design experience that together total at least 8 years.

This bill would revise that provision by specifying that an interior designer may meet these requirements by having at least 8 years of interior design education, or at least 8 years of diversified interior design experience, or a combination of interior design education and diversified interior design experience that together total at least 8 years.



(14) Existing law provides for the registration of professional engineers and the licensure of land surveyors by the Board for Professional Engineers and Land Surveyors. Under existing law, in determining the qualifications of an applicant for registration or licensure, a majority vote of the board is required.

This bill would delete that majority vote requirement.

(15) Existing law, the Funeral Directors and Embalmers Law, provides for the licensure and regulation of funeral establishments and directors by the Cemetery and Funeral Bureau. Under existing law, every funeral establishment holding a funeral director's license on December 31, 1996, shall, upon application and payment of fees for renewal, be issued a funeral establishment license.

This bill would delete that provision.

(16) Existing law creates the Transcript Reimbursement Fund, with revenues in the fund to be available to provide shorthand reporting services to low-income litigants in civil cases. Existing law requires all unencumbered funds remaining in the Transcript Reimbursement Fund as of June 29, 2009, to be transferred to the Court Reporters' Fund, and repeals these provisions on January 1, 2011.

This bill would instead provide for the transfer of those unencumbered funds on January 1, 2011.

(17) The Electronic and Appliance Repair Dealer Registration Law provides for registration and regulation of service contractors by the Bureau of Electronic and Appliance Repair. Existing law makes it unlawful to act as a service contractor unless that person maintains a valid registration.

This bill would make it an infraction to violate that provision. The bill would also make conforming changes. By creating a new crime, the bill would impose a state-mandated local program.

(18) Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons. Existing law provides that federally qualified health center services and rural health clinic services, as defined, are covered benefits under the Medi-Cal program, to be reimbursed, to the extent that federal financial participation is obtained, to providers on a per-visit basis. For those purposes, a "visit" is defined as a face-to-face encounter between a patient of a federally qualified health center or a rural health clinic and a "physician," which is defined

to include a medical doctor, osteopath, podiatrist, dentist, optometrist, and chiropractor.

This bill would instead provide that the term “physician” includes a physician and surgeon, podiatrist, dentist, optometrist, and chiropractor.

*(19) This bill would incorporate additional changes to Sections 27 and 146 of the Business and Professions Code, proposed by AB 48, to be operative only if AB 48 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.*

*The bill would incorporate additional changes to Sections 101 and 149 of the Business and Professions Code, proposed by AB 20 of the 2009–10 Fourth Extraordinary Session, AB 48, and AB 1535, to be operative only if this bill and one, two, or all three other bills are chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.*

*The bill would incorporate additional changes to Section 800 of the Business and Professions Code, proposed by SB 820, to be operative only if both bills are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.*

*This bill would incorporate additional changes to Sections 2570.5, 2570.6, 2570.7, and 7616 of the Business and Professions Code proposed by both this bill and SB 821, to be operative only if SB 821 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.*

*This bill would incorporate additional changes to Sections 3635 and 3636 of the Business and Professions Code proposed by both this bill and AB 20 of the 2009–10 Fourth Extraordinary Session, to be operative only if AB 20 of the 2009–10 Fourth Extraordinary Session and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.*

*The bill would incorporate additional changes to Sections 4040 and 4076 of the Business and Professions Code, proposed by SB 470, to be operative only if SB 470 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.*

*The bill would incorporate additional changes to Section 4110 of the Business and Professions Code, proposed by AB 1071, to be operative only if AB 1071 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.*

~~(19)~~

(20) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(20)~~

(21) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 27 of the Business and Professions Code  
2     is amended to read:  
3     27. (a) Every entity specified in subdivision (b) shall provide  
4     on the Internet information regarding the status of every license  
5     issued by that entity in accordance with the California Public  
6     Records Act (Chapter 3.5 (commencing with Section 6250) of  
7     Division 7 of Title 1 of the Government Code) and the Information  
8     Practices Act of 1977 (Chapter 1 (commencing with Section 1798)  
9     of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public  
10    information to be provided on the Internet shall include information  
11    on suspensions and revocations of licenses issued by the entity  
12    and other related enforcement action taken by the entity relative  
13    to persons, businesses, or facilities subject to licensure or regulation  
14    by the entity. In providing information on the Internet, each entity  
15    shall comply with the Department of Consumer Affairs Guidelines  
16    for Access to Public Records. The information may not include  
17    personal information, including home telephone number, date of  
18    birth, or social security number. Each entity shall disclose a  
19    licensee's address of record. However, each entity shall allow a  
20    licensee to provide a post office box number or other alternate  
21    address, instead of his or her home address, as the address of  
22    record. This section shall not preclude an entity from also requiring  
23    a licensee, who has provided a post office box number or other  
24    alternative mailing address as his or her address of record, to  
25    provide a physical business address or residence address only for  
26    the entity's internal administrative use and not for disclosure as  
27    the licensee's address of record or disclosure on the Internet.

(b) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Acupuncture Board shall disclose information on its licensees.

(2) The Board of Behavioral Sciences shall disclose information on its licensees, including marriage and family therapists, licensed clinical social workers, and licensed educational psychologists.

(3) The Dental Board of California shall disclose information on its licensees.

(4) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of its licensees.

(5) The Board for Professional Engineers and Land Surveyors shall disclose information on its registrants and licensees.

(6) The Structural Pest Control Board shall disclose information on its licensees, including applicators, field representatives, and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(7) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(8) The Bureau of Electronic and Appliance Repair shall disclose information on its licensees, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(9) The Cemetery and Funeral Bureau shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, cemetery managers, crematory managers, cemetery authorities, crematories, cremated remains disposers, embalmers, funeral establishments, and funeral directors.

(10) The Professional Fiduciaries Bureau shall disclose information on its licensees.

(11) The Contractors' State License Board shall disclose information on its licensees in accordance with Chapter 9 (commencing with Section 7000) of Division 3. In addition to

1 information related to licenses as specified in subdivision (a), the  
2 board shall also disclose information provided to the board by the  
3 Labor Commissioner pursuant to Section 98.9 of the Labor Code.

4 (12) The Board of Psychology shall disclose information on its  
5 licensees, including psychologists, psychological assistants, and  
6 registered psychologists.

7 (c) "Internet" for the purposes of this section has the meaning  
8 set forth in paragraph (6) of subdivision (e) of Section 17538.

9 *SEC. 1.5. Section 27 of the Business and Professions Code is*  
10 *amended to read:*

11 27. (a) ~~Every~~ *Each* entity specified in subdivision (b), ~~on or~~  
12 ~~after July 1, 2001~~, shall provide on the Internet information  
13 regarding the status of every license issued by that entity in  
14 accordance with the California Public Records Act (Chapter 3.5  
15 (commencing with Section 6250) of Division 7 of Title 1 of the  
16 Government Code) and the Information Practices Act of 1977  
17 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part  
18 4 of Division 3 of the Civil Code). The public information to be  
19 provided on the Internet shall include information on suspensions  
20 and revocations of licenses issued by the entity and other related  
21 enforcement action taken by the entity relative to persons,  
22 businesses, or facilities subject to licensure or regulation by the  
23 entity. In providing information on the Internet, each entity shall  
24 comply with the Department of Consumer Affairs Guidelines for  
25 Access to Public Records. The information may not include  
26 personal information, including home telephone number, date of  
27 birth, or social security number. Each entity shall disclose a  
28 licensee's address of record. However, each entity shall allow a  
29 licensee to provide a post office box number or other alternate  
30 address, instead of his or her home address, as the address of  
31 record. This section shall not preclude an entity from also requiring  
32 a licensee, who has provided a post office box number or other  
33 alternative mailing address as his or her address of record, to  
34 provide a physical business address or residence address only for  
35 the entity's internal administrative use and not for disclosure as  
36 the licensee's address of record or disclosure on the Internet.

37 (b) Each of the following entities within the Department of  
38 Consumer Affairs shall comply with the requirements of this  
39 section:

1 (1) The Acupuncture Board shall disclose information on its  
2 licensees.

3 (2) The Board of Behavioral Sciences shall disclose information  
4 on its licensees, including marriage and family therapists, licensed  
5 clinical social workers, and licensed educational psychologists.

6 (3) The Dental Board of California shall disclose information  
7 on its licensees.

8 (4) The State Board of Optometry shall disclose information  
9 regarding certificates of registration to practice optometry,  
10 statements of licensure, optometric corporation registrations, branch  
11 office licenses, and fictitious name permits of ~~their~~ *its* licensees.

12 (5) The Board for Professional Engineers and Land Surveyors  
13 shall disclose information on its registrants and licensees.

14 (6) The Structural Pest Control Board shall disclose information  
15 on its licensees, including applicators, field representatives, and  
16 operators in the areas of fumigation, general pest and wood  
17 destroying pests and organisms, and wood roof cleaning and  
18 treatment.

19 (7) The Bureau of Automotive Repair shall disclose information  
20 on its licensees, including auto repair dealers, smog stations, lamp  
21 and brake stations, smog check technicians, and smog inspection  
22 certification stations.

23 (8) The Bureau of Electronic and Appliance Repair shall disclose  
24 information on its licensees, including major appliance repair  
25 dealers, combination dealers (electronic and appliance), electronic  
26 repair dealers, service contract sellers, and service contract  
27 administrators.

28 (9) The Cemetery ~~Program~~ *and Funeral Bureau* shall disclose  
29 information on its licensees, including cemetery brokers, cemetery  
30 salespersons, ~~crematories, and cremated remains disposers~~ *cemetery*  
31 *managers, crematory managers, cemetery authorities, crematories,*  
32 *cremated remains disposers, embalmers, funeral establishments,*  
33 *and funeral directors.*

34 (10) The ~~Funeral Directors and Embalmers Program~~  
35 *Professional Fiduciaries Bureau* shall disclose information on its  
36 licensees, including ~~embalmers, funeral establishments, and funeral~~  
37 ~~directors~~ *licensees.*

38 (11) The Contractors' State License Board shall disclose  
39 information on its licensees in accordance with Chapter 9  
40 (commencing with Section 7000) of Division 3. In addition to

1 information related to licenses as specified in subdivision (a), the  
2 board shall also disclose information provided to the board by the  
3 Labor Commissioner pursuant to Section 98.9 of the Labor Code.

4 (12) The Board of Psychology shall disclose information on its  
5 licensees, including psychologists, psychological assistants, and  
6 registered psychologists.

7 (13) *The Bureau for Private Postsecondary Education shall*  
8 *disclose information on private postsecondary institutions under*  
9 *its jurisdiction, including disclosure of notices to comply issued*  
10 *pursuant to Section 94935 of the Education Code.*

11 (c) “Internet” for the purposes of this section has the meaning  
12 set forth in paragraph (6) of subdivision (e) of Section 17538.

13 SEC. 2. Section 101 of the Business and Professions Code, as  
14 amended by Section 1 of Chapter 31 of the Statutes of 2008, is  
15 amended to read:

16 101. The department is comprised of:

- 17 (a) The Dental Board of California.
- 18 (b) The Medical Board of California.
- 19 (c) The State Board of Optometry.
- 20 (d) The California State Board of Pharmacy.
- 21 (e) The Veterinary Medical Board.
- 22 (f) The California Board of Accountancy.
- 23 (g) The California Architects Board.
- 24 (h) The Bureau of Barbering and Cosmetology.
- 25 (i) The Board for Professional Engineers and Land Surveyors.
- 26 (j) The Contractors’ State License Board.
- 27 (k) The Bureau for Private Postsecondary and Vocational  
28 Education.
- 29 (l) The Structural Pest Control Board.
- 30 (m) The Bureau of Home Furnishings and Thermal Insulation.
- 31 (n) The Board of Registered Nursing.
- 32 (o) The Board of Behavioral Sciences.
- 33 (p) The State Athletic Commission.
- 34 (q) The Cemetery and Funeral Bureau.
- 35 (r) The State Board of Guide Dogs for the Blind.
- 36 (s) The Bureau of Security and Investigative Services.
- 37 (t) The Court Reporters Board of California.
- 38 (u) The Board of Vocational Nursing and Psychiatric  
39 Technicians.
- 40 (v) The Landscape Architects Technical Committee.

- 1 (w) The Bureau of Electronic and Appliance Repair.
- 2 (x) The Division of Investigation.
- 3 (y) The Bureau of Automotive Repair.
- 4 (z) The State Board of Registration for Geologists and
- 5 Geophysicists.
- 6 (aa) The Respiratory Care Board of California.
- 7 (ab) The Acupuncture Board.
- 8 (ac) The Board of Psychology.
- 9 (ad) The California Board of Podiatric Medicine.
- 10 (ae) The Physical Therapy Board of California.
- 11 (af) The Arbitration Review Program.
- 12 (ag) The Hearing Aid Dispensers Bureau.
- 13 (ah) The Physician Assistant Committee.
- 14 (ai) The Speech-Language Pathology and Audiology Board.
- 15 (aj) The California Board of Occupational Therapy.
- 16 (ak) The Osteopathic Medical Board of California.
- 17 (al) The Bureau of Naturopathic Medicine.
- 18 (am) The Dental Hygiene Committee of California.
- 19 (an) The Professional Fiduciaries Bureau.
- 20 (ao) Any other boards, offices, or officers subject to its
- 21 jurisdiction by law.
- 22 *SEC. 2.2. Section 101 of the Business and Professions Code,*
- 23 *as amended by Section 1 of Chapter 31 of the Statutes of 2008, is*
- 24 *amended to read:*
- 25 101. The department is comprised of:
- 26 (a) The Dental Board of California.
- 27 (b) The Medical Board of California.
- 28 (c) The State Board of Optometry.
- 29 (d) The California State Board of Pharmacy.
- 30 (e) The Veterinary Medical Board.
- 31 (f) The California Board of Accountancy.
- 32 (g) The California Architects Board.
- 33 (h) The Bureau of Barbering and Cosmetology.
- 34 (i) The Board for Professional Engineers and Land Surveyors.
- 35 (j) The Contractors' State License Board.
- 36 (k) The Bureau for Private Postsecondary and Vocational
- 37 Education.
- 38 ~~(l) The Structural Pest Control Board.~~
- 39 ~~(m)~~



- 1 (l) The Bureau of *Electronic and Appliance Repair*, Home  
2 Furnishings, and Thermal Insulation.  
3 ~~(n)~~  
4 (m) The Board of Registered Nursing.  
5 ~~(o)~~  
6 (n) The Board of Behavioral Sciences.  
7 ~~(p)~~  
8 (o) The State Athletic Commission.  
9 ~~(q)~~  
10 (p) The Cemetery and Funeral Bureau.  
11 ~~(r)~~  
12 (q) The State Board of Guide Dogs for the Blind.  
13 ~~(s)~~  
14 (r) The Bureau of Security and Investigative Services.  
15 ~~(t)~~  
16 (s) The Court Reporters Board of California.  
17 ~~(u)~~  
18 (t) The Board of Vocational Nursing and Psychiatric  
19 Technicians.  
20 ~~(v)~~  
21 (u) The Landscape Architects Technical Committee.  
22 ~~(w) The Bureau of Electronic and Appliance Repair.~~  
23 ~~(x)~~  
24 (v) The Division of Investigation.  
25 ~~(y)~~  
26 (w) The Bureau of Automotive Repair.  
27 ~~(z) The State Board of Registration for Geologists and~~  
28 ~~Geophysicists.~~  
29 ~~(aa)~~  
30 (x) The Respiratory Care Board of California.  
31 ~~(ab)~~  
32 (y) The Acupuncture Board.  
33 ~~(ae)~~  
34 (z) The Board of Psychology.  
35 ~~(ad)~~  
36 (aa) The California Board of Podiatric Medicine.  
37 ~~(ae)~~  
38 (ab) The Physical Therapy Board of California.  
39 ~~(af)~~  
40 (ac) The Arbitration Review Program.

- 1 ~~(ag)~~
- 2 *(ad)* The Hearing Aid Dispensers Bureau.
- 3 ~~(ah)~~
- 4 *(ae)* The Physician Assistant Committee.
- 5 ~~(ai)~~
- 6 *(af)* The Speech-Language Pathology and Audiology Board.
- 7 ~~(aj)~~
- 8 *(ag)* The California Board of Occupational Therapy.
- 9 ~~(ak)~~
- 10 *(ah)* The Osteopathic Medical Board of California.
- 11 ~~(at)~~
- 12 *(ai)* The ~~Bureau of~~ Naturopathic Medicine *Committee*.
- 13 ~~(am)~~
- 14 *(aj)* The Dental Hygiene Committee of California.
- 15 *(ak)* *The Professional Fiduciaries Bureau.*
- 16 ~~(an)~~
- 17 *(al)* Any other boards, offices, or officers subject to its
- 18 jurisdiction by law.
- 19 *SEC. 2.4. Section 101 of the Business and Professions Code,*
- 20 *as amended by Section 1 of Chapter 31 of the Statutes of 2008, is*
- 21 *amended to read:*
- 22 101. The department is comprised of:
- 23 (a) The Dental Board of California.
- 24 (b) The Medical Board of California.
- 25 (c) The State Board of Optometry.
- 26 (d) The California State Board of Pharmacy.
- 27 (e) The Veterinary Medical Board.
- 28 (f) The California Board of Accountancy.
- 29 (g) The California Architects Board.
- 30 (h) The Bureau of Barbering and Cosmetology.
- 31 (i) The Board for Professional Engineers and Land Surveyors.
- 32 (j) The Contractors' State License Board.
- 33 (k) The Bureau for Private Postsecondary ~~and Vocational~~
- 34 Education.
- 35 ~~(l) The Structural Pest Control Board.~~
- 36 ~~(m)~~
- 37 *(l)* The Bureau of *Electronic and Appliance Repair, Home*
- 38 *Furnishings, and Thermal Insulation.*
- 39 ~~(n)~~
- 40 *(m)* The Board of Registered Nursing.

- 1 ~~(o)~~
- 2 (n) The Board of Behavioral Sciences.
- 3 ~~(p)~~
- 4 (o) The State Athletic Commission.
- 5 ~~(q)~~
- 6 (p) The Cemetery and Funeral Bureau.
- 7 ~~(r)~~
- 8 (q) The State Board of Guide Dogs for the Blind.
- 9 ~~(s)~~
- 10 (r) The Bureau of Security and Investigative Services.
- 11 ~~(t)~~
- 12 (s) The Court Reporters Board of California.
- 13 ~~(u)~~
- 14 (t) The Board of Vocational Nursing and Psychiatric
- 15 Technicians.
- 16 ~~(v)~~
- 17 (u) The Landscape Architects Technical Committee.
- 18 ~~(w) The Bureau of Electronic and Appliance Repair.~~
- 19 ~~(x)~~
- 20 (v) The Division of Investigation.
- 21 ~~(y)~~
- 22 (w) The Bureau of Automotive Repair.
- 23 ~~(z) The State Board of Registration for Geologists and~~
- 24 ~~Geophysicists.~~
- 25 ~~(aa)~~
- 26 (x) The Respiratory Care Board of California.
- 27 ~~(ab)~~
- 28 (y) The Acupuncture Board.
- 29 ~~(ac)~~
- 30 (z) The Board of Psychology.
- 31 ~~(ad)~~
- 32 (aa) The California Board of Podiatric Medicine.
- 33 ~~(ae)~~
- 34 (ab) The Physical Therapy Board of California.
- 35 ~~(af)~~
- 36 (ac) The Arbitration Review Program.
- 37 ~~(ag)~~
- 38 (ad) The Hearing Aid Dispensers Bureau.
- 39 ~~(ah)~~
- 40 (ae) The Physician Assistant Committee.

- 1     ~~(ai)~~
- 2     ~~(af)~~ The Speech-Language Pathology and Audiology Board.
- 3     ~~(aj)~~
- 4     ~~(ag)~~ The California Board of Occupational Therapy.
- 5     ~~(ak)~~
- 6     ~~(ah)~~ The Osteopathic Medical Board of California.
- 7     ~~(at)~~
- 8     ~~(ai)~~ The ~~Bureau of~~ Naturopathic Medicine *Committee*.
- 9     ~~(am)~~
- 10    ~~(aj)~~ The Dental Hygiene Committee of California.
- 11    ~~(ak)~~ *The Professional Fiduciaries Bureau*.
- 12    ~~(an)~~
- 13    ~~(al)~~ Any other boards, offices, or officers subject to its
- 14    jurisdiction by law.
- 15    SEC. 2.6. *Section 101 of the Business and Professions Code,*
- 16    *as amended by Section 1 of Chapter 31 of the Statutes of 2008, is*
- 17    *amended to read:*
- 18    101. The department is comprised of:
- 19    (a) The Dental Board of California.
- 20    (b) The Medical Board of California.
- 21    (c) The State Board of Optometry.
- 22    (d) The California State Board of Pharmacy.
- 23    (e) The Veterinary Medical Board.
- 24    (f) The California Board of Accountancy.
- 25    (g) The California Architects Board.
- 26    (h) The Bureau of Barbering and Cosmetology.
- 27    (i) The Board for Professional Engineers and Land Surveyors.
- 28    (j) The Contractors' State License Board.
- 29    (k) The Bureau for Private Postsecondary and Vocational
- 30    Education.
- 31    ~~(l)~~ ~~The Structural Pest Control Board.~~
- 32    ~~(m)~~
- 33    ~~(l)~~ The Bureau of *Electronic and Appliance Repair, Home*
- 34    Furnishings, and Thermal Insulation.
- 35    ~~(n)~~
- 36    ~~(m)~~ The Board of Registered Nursing.
- 37    ~~(o)~~
- 38    ~~(n)~~ The Board of Behavioral Sciences.
- 39    ~~(p)~~
- 40    ~~(o)~~ The State Athletic Commission.

- 1 ~~(q)~~
- 2 (p) The Cemetery and Funeral Bureau.
- 3 ~~(r)~~
- 4 (q) The State Board of Guide Dogs for the Blind.
- 5 ~~(s)~~
- 6 (r) The Bureau of Security and Investigative Services.
- 7 ~~(t)~~
- 8 (s) The Court Reporters Board of California.
- 9 ~~(u)~~
- 10 (t) The Board of Vocational Nursing and Psychiatric
- 11 Technicians.
- 12 ~~(v)~~
- 13 (u) The Landscape Architects Technical Committee.
- 14 ~~(w) The Bureau of Electronic and Appliance Repair.~~
- 15 ~~(x)~~
- 16 (v) The Division of Investigation.
- 17 ~~(y)~~
- 18 (w) The Bureau of Automotive Repair.
- 19 ~~(z) The State Board of Registration for Geologists and~~
- 20 ~~Geophysicists.~~
- 21 ~~(aa)~~
- 22 (x) The Respiratory Care Board of California.
- 23 ~~(ab)~~
- 24 (y) The Acupuncture Board.
- 25 ~~(ac)~~
- 26 (z) The Board of Psychology.
- 27 ~~(ad)~~
- 28 (aa) The California Board of Podiatric Medicine.
- 29 ~~(ae)~~
- 30 (ab) The Physical Therapy Board of California.
- 31 ~~(af)~~
- 32 (ac) The Arbitration Review Program.
- 33 ~~(ag) The Hearing Aid Dispensers Bureau.~~
- 34 ~~(ah)~~
- 35 (ad) The Physician Assistant Committee.
- 36 ~~(ai)~~
- 37 (ae) The Speech-Language Pathology and Audiology Board.
- 38 ~~(aj)~~
- 39 (af) The California Board of Occupational Therapy.
- 40 ~~(ak)~~

- 1 (ag) The Osteopathic Medical Board of California.
- 2 ~~(ah)~~
- 3 ~~(ah)~~ The ~~Bureau~~ of Naturopathic Medicine *Committee*.
- 4 ~~(am)~~
- 5 (ai) The Dental Hygiene Committee of California.
- 6 (aj) *The Professional Fiduciaries Bureau*.
- 7 ~~(an)~~
- 8 (ak) Any other boards, offices, or officers subject to its
- 9 jurisdiction by law.
- 10 SEC. 2.8. *Section 101 of the Business and Professions Code,*
- 11 *as amended by Section 1 of Chapter 31 of the Statutes of 2008, is*
- 12 *amended to read:*
- 13 101. The department is comprised of:
- 14 (a) The Dental Board of California.
- 15 (b) The Medical Board of California.
- 16 (c) The State Board of Optometry.
- 17 (d) The California State Board of Pharmacy.
- 18 (e) The Veterinary Medical Board.
- 19 (f) The California Board of Accountancy.
- 20 (g) The California Architects Board.
- 21 (h) The Bureau of Barbering and Cosmetology.
- 22 (i) The Board for Professional Engineers and Land Surveyors.
- 23 (j) The Contractors' State License Board.
- 24 (k) The Bureau for Private Postsecondary ~~and Vocational~~
- 25 Education.
- 26 ~~(l) The Structural Pest Control Board.~~
- 27 ~~(m)~~
- 28 (l) The Bureau of *Electronic and Appliance Repair, Home*
- 29 *Furnishings, and Thermal Insulation*.
- 30 ~~(n)~~
- 31 (m) The Board of Registered Nursing.
- 32 ~~(o)~~
- 33 (n) The Board of Behavioral Sciences.
- 34 ~~(p)~~
- 35 (o) The State Athletic Commission.
- 36 ~~(q)~~
- 37 (p) The Cemetery and Funeral Bureau.
- 38 ~~(r)~~
- 39 (q) The State Board of Guide Dogs for the Blind.
- 40 ~~(s)~~

- 1 (r) The Bureau of Security and Investigative Services.
- 2 ~~(t)~~
- 3 (s) The Court Reporters Board of California.
- 4 ~~(u)~~
- 5 (t) The Board of Vocational Nursing and Psychiatric
- 6 Technicians.
- 7 ~~(v)~~
- 8 (u) The Landscape Architects Technical Committee.
- 9 ~~(w) The Bureau of Electronic and Appliance Repair.~~
- 10 ~~(x)~~
- 11 (v) The Division of Investigation.
- 12 ~~(y)~~
- 13 (w) The Bureau of Automotive Repair.
- 14 ~~(z) The State Board of Registration for Geologists and~~
- 15 ~~Geophysicists.~~
- 16 ~~(aa)~~
- 17 (x) The Respiratory Care Board of California.
- 18 ~~(ab)~~
- 19 (y) The Acupuncture Board.
- 20 ~~(ac)~~
- 21 (z) The Board of Psychology.
- 22 ~~(ad)~~
- 23 (aa) The California Board of Podiatric Medicine.
- 24 ~~(ae)~~
- 25 (ab) The Physical Therapy Board of California.
- 26 ~~(af)~~
- 27 (ac) The Arbitration Review Program.
- 28 ~~(ag) The Hearing Aid Dispensers Bureau.~~
- 29 ~~(ah)~~
- 30 (ad) The Physician Assistant Committee.
- 31 ~~(ai)~~
- 32 (ae) The Speech-Language Pathology and Audiology Board.
- 33 ~~(aj)~~
- 34 (af) The California Board of Occupational Therapy.
- 35 ~~(ak)~~
- 36 (ag) The Osteopathic Medical Board of California.
- 37 ~~(al)~~
- 38 (ah) ~~The Bureau of Naturopathic Medicine Committee.~~
- 39 ~~(am)~~
- 40 (ai) The Dental Hygiene Committee of California.

1     ~~(aj)~~ *The Professional Fiduciaries Bureau.*

2     ~~(an)~~

3     ~~(ak)~~ Any other boards, offices, or officers subject to its  
4 jurisdiction by law.

5     SEC. 3. Section 128.5 of the Business and Professions Code  
6 is amended to read:

7     128.5. (a) Notwithstanding any other provision of law, if at  
8 the end of any fiscal year, an agency within the Department of  
9 Consumer Affairs, except the agencies referred to in subdivision  
10 (b), has unencumbered funds in an amount that equals or is more  
11 than the agency's operating budget for the next two fiscal years,  
12 the agency shall reduce license or other fees, whether the license  
13 or other fees be fixed by statute or may be determined by the  
14 agency within limits fixed by statute, during the following fiscal  
15 year in an amount that will reduce any surplus funds of the agency  
16 to an amount less than the agency's operating budget for the next  
17 two fiscal years.

18     (b) Notwithstanding any other provision of law, if at the end of  
19 any fiscal year, the California Architects Board, the Board of  
20 Behavioral Sciences, the Veterinary Medical Board, the Court  
21 Reporters Board of California, the Medical Board of California,  
22 the Board of Vocational Nursing and Psychiatric Technicians, or  
23 the Bureau of Security and Investigative Services has  
24 unencumbered funds in an amount that equals or is more than the  
25 agency's operating budget for the next two fiscal years, the agency  
26 shall reduce license or other fees, whether the license or other fees  
27 be fixed by statute or may be determined by the agency within  
28 limits fixed by statute, during the following fiscal year in an amount  
29 that will reduce any surplus funds of the agency to an amount less  
30 than the agency's operating budget for the next two fiscal years.

31     SEC. 4. Section 144 of the Business and Professions Code is  
32 amended to read:

33     144. (a) Notwithstanding any other provision of law, an agency  
34 designated in subdivision (b) shall require an applicant to furnish  
35 to the agency a full set of fingerprints for purposes of conducting  
36 criminal history record checks. Any agency designated in  
37 subdivision (b) may obtain and receive, at its discretion, criminal  
38 history information from the Department of Justice and the United  
39 States Federal Bureau of Investigation.

40     (b) Subdivision (a) applies to the following:



- 1 (1) California Board of Accountancy.
- 2 (2) State Athletic Commission.
- 3 (3) Board of Behavioral Sciences.
- 4 (4) Court Reporters Board of California.
- 5 (5) State Board of Guide Dogs for the Blind.
- 6 (6) California State Board of Pharmacy.
- 7 (7) Board of Registered Nursing.
- 8 (8) Veterinary Medical Board.
- 9 (9) Registered Veterinary Technician Committee.
- 10 (10) Board of Vocational Nursing and Psychiatric Technicians.
- 11 (11) Respiratory Care Board of California.
- 12 (12) Hearing Aid Dispensers Advisory Commission.
- 13 (13) Physical Therapy Board of California.
- 14 (14) Physician Assistant Committee of the Medical Board of
- 15 California.
- 16 (15) Speech-Language Pathology and Audiology Board.
- 17 (16) Medical Board of California.
- 18 (17) State Board of Optometry.
- 19 (18) Acupuncture Board.
- 20 (19) Cemetery and Funeral Bureau.
- 21 (20) Bureau of Security and Investigative Services.
- 22 (21) Division of Investigation.
- 23 (22) Board of Psychology.
- 24 (23) The California Board of Occupational Therapy.
- 25 (24) Structural Pest Control Board.
- 26 (25) Contractors' State License Board.
- 27 (26) Bureau of Naturopathic Medicine.
- 28 (27) The Professional Fiduciaries Bureau.

29 (c) The provisions of paragraph (24) of subdivision (b) shall  
30 become operative on July 1, 2004. The provisions of paragraph  
31 (25) of subdivision (b) shall become operative on the date on which  
32 sufficient funds are available for the Contractors' State License  
33 Board and the Department of Justice to conduct a criminal history  
34 record check pursuant to this section or on July 1, 2005, whichever  
35 occurs first.

36 SEC. 5. Section 146 of the Business and Professions Code is  
37 amended to read:

38 146. (a) Notwithstanding any other provision of law, a  
39 violation of any code section listed in subdivision (c) or (d) is an

1 infraction subject to the procedures described in Sections 19.6 and  
2 19.7 of the Penal Code when either of the following applies:

3 (1) A complaint or a written notice to appear in court pursuant  
4 to Chapter 5C (commencing with Section 853.5) of Title 3 of Part  
5 2 of the Penal Code is filed in court charging the offense as an  
6 infraction unless the defendant, at the time he or she is arraigned,  
7 after being advised of his or her rights, elects to have the case  
8 proceed as a misdemeanor.

9 (2) The court, with the consent of the defendant and the  
10 prosecution, determines that the offense is an infraction in which  
11 event the case shall proceed as if the defendant has been arraigned  
12 on an infraction complaint.

13 (b) Subdivision (a) does not apply to a violation of the code  
14 sections listed in subdivisions (c) and (d) if the defendant has had  
15 his or her license, registration, or certificate previously revoked  
16 or suspended.

17 (c) The following sections require registration, licensure,  
18 certification, or other authorization in order to engage in certain  
19 businesses or professions regulated by this code:

20 (1) Sections 2052 and 2054.

21 (2) Section 2630.

22 (3) Section 2903.

23 (4) Section 3660.

24 (5) Sections 3760 and 3761.

25 (6) Section 4080.

26 (7) Section 4825.

27 (8) Section 4935.

28 (9) Section 4980.

29 (10) Section 4996.

30 (11) Section 5536.

31 (12) Section 6704.

32 (13) Section 6980.10.

33 (14) Section 7317.

34 (15) Section 7502 or 7592.

35 (16) Section 7520.

36 (17) Section 7617 or 7641.

37 (18) Subdivision (a) of Section 7872.

38 (19) Section 8016.

39 (20) Section 8505.

40 (21) Section 8725.

(22) Section 9681.

(23) Section 9840.

(24) Subdivision (c) of Section 9891.24.

(25) Section 19049.

(d) Institutions that are required to register with the Bureau for Private Postsecondary and Vocational Education pursuant to Section 94931 of the Education Code.

(e) Notwithstanding any other provision of law, a violation of any of the sections listed in subdivision (c) or (d), which is an infraction, is punishable by a fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000). No portion of the minimum fine may be suspended by the court unless as a condition of that suspension the defendant is required to submit proof of a current valid license, registration, or certificate for the profession or vocation the absence of which was the basis for his or her conviction.

*SEC. 5.5. Section 146 of the Business and Professions Code is amended to read:*

146. (a) Notwithstanding any other provision of law, a violation of any code section listed in subdivision (c) ~~or (d)~~ is an infraction subject to the procedures described in Sections 19.6 and 19.7 of the Penal Code when *either of the following applies*:

(1) A complaint or a written notice to appear in court pursuant to Chapter ~~5e~~ 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code is filed in court charging the offense as an infraction, unless the defendant, at the time he or she is arraigned, after being advised of his or her rights, elects to have the case proceed as a ~~misdemeanor~~, or *misdemeanor*.

(2) The court, with the consent of the defendant and the prosecution, determines that the offense is an infraction in which event the case shall proceed as if the defendant has been arraigned on an infraction complaint.

(b) Subdivision (a) does not apply to a violation of the code sections listed in ~~subdivisions~~ *subdivision (c)* ~~and (d)~~ if the defendant has had his or her license, registration, or certificate previously revoked or suspended.

(c) The following sections require registration, licensure, certification, or other authorization in order to engage in certain businesses or professions regulated by this code:

(1) Sections 2052 and 2054.

- 1 (2) Section 2630.
- 2 (3) Section 2903.
- 3 (4) Section 3660.
- 4 (5) Sections 3760 and 3761.
- 5 (6) Section 4080.
- 6 (7) Section 4825.
- 7 (8) Section 4935.
- 8 (9) Section 4980.
- 9 (10) Section 4996.
- 10 (11) Section 5536.
- 11 (12) Section 6704.
- 12 (13) Section 6980.10.
- 13 (14) Section 7317.
- 14 (15) Section 7502 or 7592.
- 15 (16) Section 7520.
- 16 (17) Section 7617 or 7641.
- 17 (18) Subdivision (a) of Section 7872.
- 18 (19) Section 8016.
- 19 (20) Section 8505.
- 20 (21) Section 8725.
- 21 (22) Section 9681.
- 22 (23) Section 9840.
- 23 (24) Subdivision (c) of Section 9891.24.
- 24 (25) Section 19049.
- 25 ~~(d) Institutions that are required to register with the Bureau for~~
- 26 ~~Private Postsecondary and Vocational Education pursuant to~~
- 27 ~~Section 94931 of the Education Code.~~
- 28 ~~(e)~~
- 29 (d) Notwithstanding any other provision of law, a violation of
- 30 any of the sections listed in subdivision (c) ~~or (d)~~, which is an
- 31 infraction, is punishable by a fine of not less than two hundred
- 32 fifty dollars (\$250) and not more than one thousand dollars
- 33 (\$1,000). No portion of the minimum fine may be suspended by
- 34 the court unless as a condition of that suspension the defendant is
- 35 required to submit proof of a current valid license, registration, or
- 36 certificate for the profession or vocation *the absence of* which was
- 37 the basis for his or her conviction.
- 38 SEC. 6. Section 149 of the Business and Professions Code is
- 39 amended to read:

1 149. (a) If, upon investigation, an agency designated in  
2 subdivision (e) has probable cause to believe that a person is  
3 advertising in a telephone directory with respect to the offering or  
4 performance of services, without being properly licensed by or  
5 registered with the agency to offer or perform those services, the  
6 agency may issue a citation under Section 148 containing an order  
7 of correction that requires the violator to do both of the following:

8 (1) Cease the unlawful advertising.

9 (2) Notify the telephone company furnishing services to the  
10 violator to disconnect the telephone service furnished to any  
11 telephone number contained in the unlawful advertising.

12 (b) This action is stayed if the person to whom a citation is  
13 issued under subdivision (a) notifies the agency in writing that he  
14 or she intends to contest the citation. The agency shall afford an  
15 opportunity for a hearing, as specified in Section 125.9.

16 (c) If the person to whom a citation and order of correction is  
17 issued under subdivision (a) fails to comply with the order of  
18 correction after that order is final, the agency shall inform the  
19 Public Utilities Commission of the violation and the Public Utilities  
20 Commission shall require the telephone corporation furnishing  
21 services to that person to disconnect the telephone service furnished  
22 to any telephone number contained in the unlawful advertising.

23 (d) The good faith compliance by a telephone corporation with  
24 an order of the Public Utilities Commission to terminate service  
25 issued pursuant to this section shall constitute a complete defense  
26 to any civil or criminal action brought against the telephone  
27 corporation arising from the termination of service.

28 (e) Subdivision (a) shall apply to the following boards, bureaus,  
29 committees, commissions, or programs:

30 (1) The Bureau of Barbering and Cosmetology.

31 (2) The Funeral Directors and Embalmers Program.

32 (3) The Veterinary Medical Board.

33 (4) The Hearing Aid Dispensers Advisory Commission.

34 (5) The Landscape Architects Technical Committee.

35 (6) The California Board of Podiatric Medicine.

36 (7) The Respiratory Care Board of California.

37 (8) The Bureau of Home Furnishings and Thermal Insulation.

38 (9) The Bureau of Security and Investigative Services.

39 (10) The Bureau of Electronic and Appliance Repair.

40 (11) The Bureau of Automotive Repair.

- 1 (12) The Tax Preparers Program.
- 2 (13) The California Architects Board.
- 3 (14) The Speech-Language Pathology and Audiology Board.
- 4 (15) The Board for Professional Engineers and Land Surveyors.
- 5 (16) The Board of Behavioral Sciences.
- 6 (17) The State Board for Geologists and Geophysicists.
- 7 (18) The Structural Pest Control Board.
- 8 (19) The Acupuncture Board.
- 9 (20) The Board of Psychology.
- 10 (21) The California Board of Accountancy.
- 11 (22) The Bureau of Naturopathic Medicine.
- 12 (23) The Physical Therapy Board of California.

13 *SEC. 6.2. Section 149 of the Business and Professions Code*  
14 *is amended to read:*

15 149. (a) If, upon investigation, an agency designated in  
16 subdivision (e) has probable cause to believe that a person is  
17 advertising in a telephone directory with respect to the offering or  
18 performance of services, without being properly licensed by or  
19 registered with the agency to offer or perform those services, the  
20 agency may issue a citation under Section 148 containing an order  
21 of correction that requires the violator to do both of the following:

- 22 (1) Cease the unlawful advertising.
- 23 (2) Notify the telephone company furnishing services to the  
24 violator to disconnect the telephone service furnished to any  
25 telephone number contained in the unlawful advertising.

26 (b) This action is stayed if the person to whom a citation is  
27 issued under subdivision (a) notifies the agency in writing that he  
28 or she intends to contest the citation. The agency shall afford an  
29 opportunity for a hearing, as specified in Section 125.9.

30 (c) If the person to whom a citation and order of correction is  
31 issued under subdivision (a) fails to comply with the order of  
32 correction after that order is final, the agency shall inform the  
33 Public Utilities Commission of the violation and the Public Utilities  
34 Commission shall require the telephone corporation furnishing  
35 services to that person to disconnect the telephone service furnished  
36 to any telephone number contained in the unlawful advertising.

37 (d) The good faith compliance by a telephone corporation with  
38 an order of the Public Utilities Commission to terminate service  
39 issued pursuant to this section shall constitute a complete defense

1 to any civil or criminal action brought against the telephone  
2 corporation arising from the termination of service.

3 (e) Subdivision (a) shall apply to the following boards, bureaus,  
4 committees, commissions, or programs:

5 (1) The Bureau of Barbering and Cosmetology.

6 ~~(2) The Funeral Directors and Embalmers Program Cemetery~~  
7 ~~and Funeral Bureau.~~

8 (3) The Veterinary Medical Board.

9 (4) The Hearing Aid Dispensers Advisory—~~Commission~~  
10 ~~Committee.~~

11 (5) The Landscape Architects Technical Committee.

12 (6) The California Board of Podiatric Medicine.

13 (7) The Respiratory Care Board of California.

14 (8) The Bureau of *Electronic and Appliance Repair*, Home  
15 Furnishings, and Thermal Insulation.

16 (9) The Bureau of Security and Investigative Services.

17 ~~(10) The Bureau of Electronic and Appliance Repair.~~

18 ~~(11)~~

19 ~~(10)~~ The Bureau of Automotive Repair.

20 ~~(12) The Tax Preparers Program.~~

21 ~~(13)~~

22 ~~(11)~~ The California Architects Board.

23 ~~(14)~~

24 ~~(12)~~ The Speech-Language Pathology and Audiology Board.

25 ~~(15)~~

26 ~~(13)~~ The Board for Professional Engineers and Land Surveyors.

27 ~~(16)~~

28 ~~(14)~~ The Board of Behavioral Sciences.

29 ~~(17) The State Board for Geologists and Geophysicists.~~

30 ~~(18)~~

31 ~~(15)~~ The Structural Pest Control Board *within the Department*  
32 *of Pesticide Regulation.*

33 ~~(19)~~

34 ~~(16)~~ The Acupuncture Board.

35 ~~(20)~~

36 ~~(17)~~ The Board of Psychology.

37 ~~(21)~~

38 ~~(18)~~ The California Board of Accountancy.

39 ~~(22)~~

40 ~~(19)~~ The ~~Bureau~~ of Naturopathic Medicine *Committee.*

1     (20) *The Physical Therapy Board of California.*

2     SEC. 6.4. *Section 149 of the Business and Professions Code*  
3     *is amended to read:*

4     149. (a) If, upon investigation, an agency designated in  
5     subdivision (e) has probable cause to believe that a person is  
6     advertising in a telephone directory with respect to the offering or  
7     performance of services, without being properly licensed by or  
8     registered with the agency to offer or perform those services, the  
9     agency may issue a citation under Section 148 containing an order  
10    of correction that requires the violator to do both of the following:

11    (1) Cease the unlawful advertising.

12    (2) Notify the telephone company furnishing services to the  
13    violator to disconnect the telephone service furnished to any  
14    telephone number contained in the unlawful advertising.

15    (b) This action is stayed if the person to whom a citation is  
16    issued under subdivision (a) notifies the agency in writing that he  
17    or she intends to contest the citation. The agency shall afford an  
18    opportunity for a hearing, as specified in Section 125.9.

19    (c) If the person to whom a citation and order of correction is  
20    issued under subdivision (a) fails to comply with the order of  
21    correction after that order is final, the agency shall inform the  
22    Public Utilities Commission of the violation and the Public Utilities  
23    Commission shall require the telephone corporation furnishing  
24    services to that person to disconnect the telephone service furnished  
25    to any telephone number contained in the unlawful advertising.

26    (d) The good faith compliance by a telephone corporation with  
27    an order of the Public Utilities Commission to terminate service  
28    issued pursuant to this section shall constitute a complete defense  
29    to any civil or criminal action brought against the telephone  
30    corporation arising from the termination of service.

31    (e) Subdivision (a) shall apply to the following boards, bureaus,  
32    committees, commissions, or programs:

33    (1) The Bureau of Barbering and Cosmetology.

34    (2) ~~The Funeral Directors and Embalmers Program Cemetery~~  
35    ~~and Funeral Bureau.~~

36    (3) The Veterinary Medical Board.

37    (4) ~~The Hearing Aid Dispensers Advisory Commission~~  
38    ~~Committee.~~

39    (5) The Landscape Architects Technical Committee.

40    (6) The California Board of Podiatric Medicine.



- 1 (7) The Respiratory Care Board of California.  
2 (8) The Bureau of *Electronic and Appliance Repair*, Home  
3 Furnishings, and Thermal Insulation.  
4 (9) The Bureau of Security and Investigative Services.  
5 ~~(10) The Bureau of Electronic and Appliance Repair.~~  
6 ~~(11)~~  
7 (10) The Bureau of Automotive Repair.  
8 ~~(12) The Tax Preparers Program.~~  
9 ~~(13)~~  
10 (11) The California Architects Board.  
11 ~~(14)~~  
12 (12) The Speech-Language Pathology and Audiology Board.  
13 ~~(15)~~  
14 (13) The Board for Professional Engineers and Land Surveyors.  
15 ~~(16)~~  
16 (14) The Board of Behavioral Sciences.  
17 ~~(17) The State Board for Geologists and Geophysicists.~~  
18 ~~(18)~~  
19 (15) The Structural Pest Control Board *within the Department*  
20 *of Pesticide Regulation.*  
21 ~~(19)~~  
22 (16) The Acupuncture Board.  
23 ~~(20)~~  
24 (17) The Board of Psychology.  
25 ~~(21)~~  
26 (18) The California Board of Accountancy.  
27 ~~(22)~~  
28 (19) ~~The Bureau of Naturopathic Medicine Committee.~~  
29 (20) *The Physical Therapy Board of California.*  
30 (21) *The Bureau for Private Postsecondary Education.*  
31 SEC. 6.6. *Section 149 of the Business and Professions Code*  
32 *is amended to read:*  
33 149. (a) If, upon investigation, an agency designated in  
34 subdivision (e) has probable cause to believe that a person is  
35 advertising in a telephone directory with respect to the offering or  
36 performance of services, without being properly licensed by or  
37 registered with the agency to offer or perform those services, the  
38 agency may issue a citation under Section 148 containing an order  
39 of correction that requires the violator to do both of the following:  
40 (1) Cease the unlawful advertising.

1 (2) Notify the telephone company furnishing services to the  
2 violator to disconnect the telephone service furnished to any  
3 telephone number contained in the unlawful advertising.

4 (b) This action is stayed if the person to whom a citation is  
5 issued under subdivision (a) notifies the agency in writing that he  
6 or she intends to contest the citation. The agency shall afford an  
7 opportunity for a hearing, as specified in Section 125.9.

8 (c) If the person to whom a citation and order of correction is  
9 issued under subdivision (a) fails to comply with the order of  
10 correction after that order is final, the agency shall inform the  
11 Public Utilities Commission of the violation and the Public Utilities  
12 Commission shall require the telephone corporation furnishing  
13 services to that person to disconnect the telephone service furnished  
14 to any telephone number contained in the unlawful advertising.

15 (d) The good faith compliance by a telephone corporation with  
16 an order of the Public Utilities Commission to terminate service  
17 issued pursuant to this section shall constitute a complete defense  
18 to any civil or criminal action brought against the telephone  
19 corporation arising from the termination of service.

20 (e) Subdivision (a) shall apply to the following boards, bureaus,  
21 committees, commissions, or programs:

22 (1) The Bureau of Barbering and Cosmetology.

23 ~~(2) The Funeral Directors and Embalmers Program Cemetery~~  
24 ~~and Funeral Bureau.~~

25 (3) The Veterinary Medical Board.

26 ~~(4) The Hearing Aid Dispensers Advisory Commission.~~

27 ~~(5)~~

28 (4) The Landscape Architects Technical Committee.

29 ~~(6)~~

30 (5) The California Board of Podiatric Medicine.

31 ~~(7)~~

32 (6) The Respiratory Care Board of California.

33 ~~(8)~~

34 (7) The Bureau of *Electronic and Appliance Repair*, Home  
35 Furnishings, and Thermal Insulation.

36 ~~(9)~~

37 (8) The Bureau of Security and Investigative Services.

38 ~~(10) The Bureau of Electronic and Appliance Repair.~~

39 ~~(11)~~

40 (9) The Bureau of Automotive Repair.

1 ~~(12) The Tax Preparers Program.~~  
2 ~~(13)~~  
3 (10) The California Architects Board.  
4 ~~(14)~~  
5 (11) The Speech-Language Pathology and Audiology Board.  
6 ~~(15)~~  
7 (12) The Board for Professional Engineers and Land Surveyors.  
8 ~~(16)~~  
9 (13) The Board of Behavioral Sciences.  
10 ~~(17) The State Board for Geologists and Geophysicists.~~  
11 ~~(18)~~  
12 (14) The Structural Pest Control Board *within the Department*  
13 *of Pesticide Regulation.*  
14 ~~(19)~~  
15 (15) The Acupuncture Board.  
16 ~~(20)~~  
17 (16) The Board of Psychology.  
18 ~~(21)~~  
19 (17) The California Board of Accountancy.  
20 ~~(22)~~  
21 ~~(18) The Bureau of Naturopathic Medicine Committee.~~  
22 (19) *The Physical Therapy Board of California.*  
23 SEC. 6.8. *Section 149 of the Business and Professions Code*  
24 *is amended to read:*  
25 149. (a) If, upon investigation, an agency designated in  
26 subdivision (e) has probable cause to believe that a person is  
27 advertising in a telephone directory with respect to the offering or  
28 performance of services, without being properly licensed by or  
29 registered with the agency to offer or perform those services, the  
30 agency may issue a citation under Section 148 containing an order  
31 of correction that requires the violator to do both of the following:  
32 (1) Cease the unlawful advertising.  
33 (2) Notify the telephone company furnishing services to the  
34 violator to disconnect the telephone service furnished to any  
35 telephone number contained in the unlawful advertising.  
36 (b) This action is stayed if the person to whom a citation is  
37 issued under subdivision (a) notifies the agency in writing that he  
38 or she intends to contest the citation. The agency shall afford an  
39 opportunity for a hearing, as specified in Section 125.9.

(c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.

(e) Subdivision (a) shall apply to the following boards, bureaus, committees, commissions, or programs:

(1) The Bureau of Barbering and Cosmetology.

~~(2) The Funeral Directors and Embalmers Program Cemetery and Funeral Bureau.~~

(3) The Veterinary Medical Board.

~~(4) The Hearing Aid Dispensers Advisory Commission.~~

~~(5)~~

(4) The Landscape Architects Technical Committee.

~~(6)~~

(5) The California Board of Podiatric Medicine.

~~(7)~~

(6) The Respiratory Care Board of California.

~~(8)~~

(7) The Bureau of *Electronic and Appliance Repair*, Home Furnishings, and Thermal Insulation.

~~(9)~~

(8) The Bureau of Security and Investigative Services.

~~(10) The Bureau of Electronic and Appliance Repair.~~

~~(11)~~

(9) The Bureau of Automotive Repair.

~~(12) The Tax Preparers Program.~~

~~(13)~~

(10) The California Architects Board.

~~(14)~~

(11) The Speech-Language Pathology and Audiology Board.

~~(15)~~

(12) The Board for Professional Engineers and Land Surveyors.

~~(16)~~

(13) The Board of Behavioral Sciences.

~~(17) The State Board for Geologists and Geophysicists.~~

~~(18)~~

(14) The Structural Pest Control Board *within the Department of Pesticide Regulation*.

~~(19)~~

(15) The Acupuncture Board.

~~(20)~~

(16) The Board of Psychology.

~~(21)~~

(17) The California Board of Accountancy.

~~(22)~~

~~(18) The Bureau of Naturopathic Medicine Committee.~~

(19) *The Physical Therapy Board of California.*

(20) *The Bureau for Private Postsecondary Education.*

SEC. 7. Section 683 of the Business and Professions Code is amended to read:

683. (a) A board shall report, within 10 working days, to the State Department of Health Care Services the name and license number of a person whose license has been revoked, suspended, surrendered, made inactive by the licensee, or placed in another category that prohibits the licensee from practicing his or her profession. The purpose of the reporting requirement is to prevent reimbursement by the state for Medi-Cal and Denti-Cal services provided after the cancellation of a provider's professional license.

(b) "Board," as used in this section, means the Dental Board of California, the Medical Board of California, the Board of Psychology, the State Board of Optometry, the California State Board of Pharmacy, the Osteopathic Medical Board of California, the State Board of Chiropractic Examiners, and the California Board of Occupational Therapy.

SEC. 8. Section 733 of the Business and Professions Code is amended to read:

733. (a) No licentiate shall obstruct a patient in obtaining a prescription drug or device that has been legally prescribed or ordered for that patient. A violation of this section constitutes unprofessional conduct by the licentiate and shall subject the licentiate to disciplinary or administrative action by his or her licensing agency.

(b) Notwithstanding any other provision of law, a licentiate shall dispense drugs and devices, as described in subdivision (a) of Section 4024, pursuant to a lawful order or prescription unless one of the following circumstances exists:

(1) Based solely on the licentiate's professional training and judgment, dispensing pursuant to the order or the prescription is contrary to law, or the licentiate determines that the prescribed drug or device would cause a harmful drug interaction or would otherwise adversely affect the patient's medical condition.

(2) The prescription drug or device is not in stock. If an order, other than an order described in Section 4019, or prescription cannot be dispensed because the drug or device is not in stock, the licentiate shall take one of the following actions:

(A) Immediately notify the patient and arrange for the drug or device to be delivered to the site or directly to the patient in a timely manner.

(B) Promptly transfer the prescription to another pharmacy known to stock the prescription drug or device that is near enough to the site from which the prescription or order is transferred, to ensure the patient has timely access to the drug or device.

(C) Return the prescription to the patient and refer the patient. The licentiate shall make a reasonable effort to refer the patient to a pharmacy that stocks the prescription drug or device that is near enough to the referring site to ensure that the patient has timely access to the drug or device.

(3) The licentiate refuses on ethical, moral, or religious grounds to dispense a drug or device pursuant to an order or prescription. A licentiate may decline to dispense a prescription drug or device on this basis only if the licentiate has previously notified his or her employer, in writing, of the drug or class of drugs to which he or she objects, and the licentiate's employer can, without creating undue hardship, provide a reasonable accommodation of the licentiate's objection. The licentiate's employer shall establish protocols that ensure that the patient has timely access to the prescribed drug or device despite the licentiate's refusal to dispense the prescription or order. For purposes of this section, "reasonable accommodation" and "undue hardship" shall have the same meaning as applied to those terms pursuant to subdivision (l) of Section 12940 of the Government Code.

1 (c) For the purposes of this section, “prescription drug or device”  
2 has the same meaning as the definition in Section 4022.

3 (d) The provisions of this section shall apply to the drug therapy  
4 described in Section 4052.3.

5 (e) This section imposes no duty on a licentiate to dispense a  
6 drug or device pursuant to a prescription or order without payment  
7 for the drug or device, including payment directly by the patient  
8 or through a third-party payer accepted by the licentiate or payment  
9 of any required copayment by the patient.

10 (f) The notice to consumers required by Section 4122 shall  
11 include a statement that describes patients’ rights relative to the  
12 requirements of this section.

13 SEC. 9. Section 800 of the Business and Professions Code is  
14 amended to read:

15 800. (a) The Medical Board of California, the Board of  
16 Psychology, the Dental Board of California, the Osteopathic  
17 Medical Board of California, the State Board of Chiropractic  
18 Examiners, the Board of Registered Nursing, the Board of  
19 Vocational Nursing and Psychiatric Technicians, the State Board  
20 of Optometry, the Veterinary Medical Board, the Board of  
21 Behavioral Sciences, the Physical Therapy Board of California,  
22 the California State Board of Pharmacy, the Speech-Language  
23 Pathology and Audiology Board, the California Board of  
24 Occupational Therapy, and the Acupuncture Board shall each  
25 separately create and maintain a central file of the names of all  
26 persons who hold a license, certificate, or similar authority from  
27 that board. Each central file shall be created and maintained to  
28 provide an individual historical record for each licensee with  
29 respect to the following information:

30 (1) Any conviction of a crime in this or any other state that  
31 constitutes unprofessional conduct pursuant to the reporting  
32 requirements of Section 803.

33 (2) Any judgment or settlement requiring the licensee or his or  
34 her insurer to pay any amount of damages in excess of three  
35 thousand dollars (\$3,000) for any claim that injury or death was  
36 proximately caused by the licensee’s negligence, error or omission  
37 in practice, or by rendering unauthorized professional services,  
38 pursuant to the reporting requirements of Section 801 or 802.

39 (3) Any public complaints for which provision is made pursuant  
40 to subdivision (b).

1 (4) Disciplinary information reported pursuant to Section 805.

2 (b) Each board shall prescribe and promulgate forms on which  
3 members of the public and other licensees or certificate holders  
4 may file written complaints to the board alleging any act of  
5 misconduct in, or connected with, the performance of professional  
6 services by the licensee.

7 If a board, or division thereof, a committee, or a panel has failed  
8 to act upon a complaint or report within five years, or has found  
9 that the complaint or report is without merit, the central file shall  
10 be purged of information relating to the complaint or report.

11 Notwithstanding this subdivision, the Board of Psychology, the  
12 Board of Behavioral Sciences, and the Respiratory Care Board of  
13 California shall maintain complaints or reports as long as each  
14 board deems necessary.

15 (c) The contents of any central file that are not public records  
16 under any other provision of law shall be confidential except that  
17 the licensee involved, or his or her counsel or representative, shall  
18 have the right to inspect and have copies made of his or her  
19 complete file except for the provision that may disclose the identity  
20 of an information source. For the purposes of this section, a board  
21 may protect an information source by providing a copy of the  
22 material with only those deletions necessary to protect the identity  
23 of the source or by providing a comprehensive summary of the  
24 substance of the material. Whichever method is used, the board  
25 shall ensure that full disclosure is made to the subject of any  
26 personal information that could reasonably in any way reflect or  
27 convey anything detrimental, disparaging, or threatening to a  
28 licensee's reputation, rights, benefits, privileges, or qualifications,  
29 or be used by a board to make a determination that would affect  
30 a licensee's rights, benefits, privileges, or qualifications. The  
31 information required to be disclosed pursuant to Section 803.1  
32 shall not be considered among the contents of a central file for the  
33 purposes of this subdivision.

34 The licensee may, but is not required to, submit any additional  
35 exculpatory or explanatory statement or other information that the  
36 board shall include in the central file.

37 Each board may permit any law enforcement or regulatory  
38 agency when required for an investigation of unlawful activity or  
39 for licensing, certification, or regulatory purposes to inspect and



1 have copies made of that licensee's file, unless the disclosure is  
2 otherwise prohibited by law.

3 These disclosures shall effect no change in the confidential status  
4 of these records.

5 *SEC. 9.5. Section 800 of the Business and Professions Code*  
6 *is amended to read:*

7 800. (a) The Medical Board of California, the Board of  
8 Psychology, the Dental Board of California, the Osteopathic  
9 Medical Board of California, the State Board of Chiropractic  
10 Examiners, the Board of Registered Nursing, the Board of  
11 Vocational Nursing and Psychiatric Technicians, the State Board  
12 of Optometry, the Veterinary Medical Board, the Board of  
13 Behavioral Sciences, the Physical Therapy Board of California,  
14 the California State Board of Pharmacy, ~~and~~ the Speech-Language  
15 Pathology and Audiology Board, *the California Board of*  
16 *Occupational Therapy, and the Acupuncture Board* shall each  
17 separately create and maintain a central file of the names of all  
18 persons who hold a license, certificate, or similar authority from  
19 that board. Each central file shall be created and maintained to  
20 provide an individual historical record for each licensee with  
21 respect to the following information:

22 (1) Any conviction of a crime in this or any other state that  
23 constitutes unprofessional conduct pursuant to the reporting  
24 requirements of Section 803.

25 (2) Any judgment or settlement requiring the licensee or his or  
26 her insurer to pay any amount of damages in excess of three  
27 thousand dollars (\$3,000) for any claim that injury or death was  
28 proximately caused by the licensee's negligence, error or omission  
29 in practice, or by rendering unauthorized professional services,  
30 pursuant to the reporting requirements of Section 801 or 802.

31 (3) Any public complaints for which provision is made pursuant  
32 to subdivision (b).

33 (4) Disciplinary information reported pursuant to Section 805,  
34 *including any additional exculpatory or explanatory statements*  
35 *submitted by the licensee pursuant to subdivision (f) of Section*  
36 *805. If a court finds, in a final judgment, that the peer review*  
37 *resulting in the 805 report was conducted in bad faith and the*  
38 *licensee who is the subject of the report notifies the board of that*  
39 *finding, the board shall include that finding in the central file. For*

1 *purposes of this paragraph, “peer review” has the same meaning*  
2 *as defined in Section 805.*

3 *(5) Information reported pursuant to Section 805.01, including*  
4 *any explanatory or exculpatory information submitted by the*  
5 *licensee pursuant to subdivision (b) of Section 805.01.*

6 (b) Each board shall prescribe and promulgate forms on which  
7 members of the public and other licensees or certificate holders  
8 may file written complaints to the board alleging any act of  
9 misconduct in, or connected with, the performance of professional  
10 services by the licensee.

11 If a board, or division thereof, a committee, or a panel has failed  
12 to act upon a complaint or report within five years, or has found  
13 that the complaint or report is without merit, the central file shall  
14 be purged of information relating to the complaint or report.

15 Notwithstanding this subdivision, the Board of Psychology, the  
16 Board of Behavioral Sciences, and the Respiratory Care Board of  
17 California shall maintain complaints or reports as long as each  
18 board deems necessary.

19 (c) The contents of any central file that are not public records  
20 under any other provision of law shall be confidential except that  
21 the licensee involved, or his or her counsel or representative, shall  
22 have the right to inspect and have copies made of his or her  
23 complete file except for the provision that may disclose the identity  
24 of an information source. For the purposes of this section, a board  
25 may protect an information source by providing a copy of the  
26 material with only those deletions necessary to protect the identity  
27 of the source or by providing a comprehensive summary of the  
28 substance of the material. Whichever method is used, the board  
29 shall ensure that full disclosure is made to the subject of any  
30 personal information that could reasonably in any way reflect or  
31 convey anything detrimental, disparaging, or threatening to a  
32 licensee’s reputation, rights, benefits, privileges, or qualifications,  
33 or be used by a board to make a determination that would affect  
34 a licensee’s rights, benefits, privileges, or qualifications. The  
35 information required to be disclosed pursuant to Section 803.1  
36 shall not be considered among the contents of a central file for the  
37 purposes of this subdivision.

38 The licensee may, but is not required to, submit any additional  
39 exculpatory or explanatory statement or other information that the  
40 board shall include in the central file.

1 Each board may permit any law enforcement or regulatory  
2 agency when required for an investigation of unlawful activity or  
3 for licensing, certification, or regulatory purposes to inspect and  
4 have copies made of that licensee's file, unless the disclosure is  
5 otherwise prohibited by law.

6 These disclosures shall effect no change in the confidential status  
7 of these records.

8 SEC. 10. Section 801 of the Business and Professions Code is  
9 amended to read:

10 801. (a) Except as provided in Section 801.01 and subdivisions  
11 (b), (c), and (d) of this section, every insurer providing professional  
12 liability insurance to a person who holds a license, certificate, or  
13 similar authority from or under any agency mentioned in  
14 subdivision (a) of Section 800 shall send a complete report to that  
15 agency as to any settlement or arbitration award over three  
16 thousand dollars (\$3,000) of a claim or action for damages for  
17 death or personal injury caused by that person's negligence, error,  
18 or omission in practice, or by his or her rendering of unauthorized  
19 professional services. The report shall be sent within 30 days after  
20 the written settlement agreement has been reduced to writing and  
21 signed by all parties thereto or within 30 days after service of the  
22 arbitration award on the parties.

23 (b) Every insurer providing professional liability insurance to  
24 a person licensed pursuant to Chapter 13 (commencing with  
25 Section 4980) or Chapter 14 (commencing with Section 4990)  
26 shall send a complete report to the Board of Behavioral Sciences  
27 as to any settlement or arbitration award over ten thousand dollars  
28 (\$10,000) of a claim or action for damages for death or personal  
29 injury caused by that person's negligence, error, or omission in  
30 practice, or by his or her rendering of unauthorized professional  
31 services. The report shall be sent within 30 days after the written  
32 settlement agreement has been reduced to writing and signed by  
33 all parties thereto or within 30 days after service of the arbitration  
34 award on the parties.

35 (c) Every insurer providing professional liability insurance to  
36 a dentist licensed pursuant to Chapter 4 (commencing with Section  
37 1600) shall send a complete report to the Dental Board of  
38 California as to any settlement or arbitration award over ten  
39 thousand dollars (\$10,000) of a claim or action for damages for  
40 death or personal injury caused by that person's negligence, error,

1 or omission in practice, or rendering of unauthorized professional  
2 services. The report shall be sent within 30 days after the written  
3 settlement agreement has been reduced to writing and signed by  
4 all parties thereto or within 30 days after service of the arbitration  
5 award on the parties.

6 (d) Every insurer providing liability insurance to a veterinarian  
7 licensed pursuant to Chapter 11 (commencing with Section 4800)  
8 shall send a complete report to the Veterinary Medical Board of  
9 any settlement or arbitration award over ten thousand dollars  
10 (\$10,000) of a claim or action for damages for death or injury  
11 caused by that person's negligence, error, or omission in practice,  
12 or rendering of unauthorized professional service. The report shall  
13 be sent within 30 days after the written settlement agreement has  
14 been reduced to writing and signed by all parties thereto or within  
15 30 days after service of the arbitration award on the parties.

16 (e) The insurer shall notify the claimant, or if the claimant is  
17 represented by counsel, the insurer shall notify the claimant's  
18 attorney, that the report required by subdivision (a), (b), or (c) has  
19 been sent to the agency. If the attorney has not received this notice  
20 within 45 days after the settlement was reduced to writing and  
21 signed by all of the parties, the arbitration award was served on  
22 the parties, or the date of entry of the civil judgment, the attorney  
23 shall make the report to the agency.

24 (f) Notwithstanding any other provision of law, no insurer shall  
25 enter into a settlement without the written consent of the insured,  
26 except that this prohibition shall not void any settlement entered  
27 into without that written consent. The requirement of written  
28 consent shall only be waived by both the insured and the insurer.  
29 This section shall only apply to a settlement on a policy of  
30 insurance executed or renewed on or after January 1, 1971.

31 SEC. 11. Section 803 of the Business and Professions Code is  
32 amended to read:

33 803. (a) Except as provided in subdivision (b), within 10 days  
34 after a judgment by a court of this state that a person who holds a  
35 license, certificate, or other similar authority from the Board of  
36 Behavioral Sciences or from an agency mentioned in subdivision  
37 (a) of Section 800 (except a person licensed pursuant to Chapter  
38 3 (commencing with Section 1200)) has committed a crime, or is  
39 liable for any death or personal injury resulting in a judgment for  
40 an amount in excess of thirty thousand dollars (\$30,000) caused

1 by his or her negligence, error or omission in practice, or his or  
2 her rendering unauthorized professional services, the clerk of the  
3 court that rendered the judgment shall report that fact to the agency  
4 that issued the license, certificate, or other similar authority.

5 (b) For purposes of a physician and surgeon, osteopathic  
6 physician and surgeon, or doctor of podiatric medicine, who is  
7 liable for any death or personal injury resulting in a judgment of  
8 any amount caused by his or her negligence, error or omission in  
9 practice, or his or her rendering unauthorized professional services,  
10 the clerk of the court that rendered the judgment shall report that  
11 fact to the agency that issued the license.

12 SEC. 12. Section 2089.5 of the Business and Professions Code  
13 is amended to read:

14 2089.5. (a) Clinical instruction in the subjects listed in  
15 subdivision (b) of Section 2089 shall meet the requirements of this  
16 section and shall be considered adequate if the requirements of  
17 subdivision (a) of Section 2089 and the requirements of this section  
18 are satisfied.

19 (b) Instruction in the clinical courses shall total a minimum of  
20 72 weeks in length.

21 (c) Instruction in the core clinical courses of surgery, medicine,  
22 family medicine, pediatrics, obstetrics and gynecology, and  
23 psychiatry shall total a minimum of 40 weeks in length with a  
24 minimum of eight weeks instruction in surgery, eight weeks in  
25 medicine, six weeks in pediatrics, six weeks in obstetrics and  
26 gynecology, a minimum of four weeks in family medicine, and  
27 four weeks in psychiatry.

28 (d) Of the instruction required by subdivision (b), including all  
29 of the instruction required by subdivision (c), 54 weeks shall be  
30 performed in a hospital that sponsors the instruction and shall meet  
31 one of the following:

32 (1) Is a formal part of the medical school or school of  
33 osteopathic medicine.

34 (2) Has a residency program, approved by the Accreditation  
35 Council for Graduate Medical Education (ACGME) or the Royal  
36 College of Physicians and Surgeons of Canada (RCPSC), in family  
37 practice or in the clinical area of the instruction for which credit  
38 is being sought.

39 (3) Is formally affiliated with an approved medical school or  
40 school of osteopathic medicine located in the United States or

1 Canada. If the affiliation is limited in nature, credit shall be given  
2 only in the subject areas covered by the affiliation agreement.

3 (4) Is formally affiliated with a medical school or a school of  
4 osteopathic medicine located outside the United States or Canada.

5 (e) If the institution, specified in subdivision (d), is formally  
6 affiliated with a medical school or a school of osteopathic medicine  
7 located outside the United States or Canada, it shall meet the  
8 following:

9 (1) The formal affiliation shall be documented by a written  
10 contract detailing the relationship between the medical school, or  
11 a school of osteopathic medicine, and hospital and the  
12 responsibilities of each.

13 (2) The school and hospital shall provide to the board a  
14 description of the clinical program. The description shall be in  
15 sufficient detail to enable the board to determine whether or not  
16 the program provides students an adequate medical education. The  
17 board shall approve the program if it determines that the program  
18 provides an adequate medical education. If the board does not  
19 approve the program, it shall provide its reasons for disapproval  
20 to the school and hospital in writing specifying its findings about  
21 each aspect of the program that it considers to be deficient and the  
22 changes required to obtain approval.

23 (3) The hospital, if located in the United States, shall be  
24 accredited by the Joint Commission on Accreditation of Hospitals,  
25 and if located in another country, shall be accredited in accordance  
26 with the law of that country.

27 (4) The clinical instruction shall be supervised by a full-time  
28 director of medical education, and the head of the department for  
29 each core clinical course shall hold a full-time faculty appointment  
30 of the medical school or school of osteopathic medicine and shall  
31 be board certified or eligible, or have an equivalent credential in  
32 that specialty area appropriate to the country in which the hospital  
33 is located.

34 (5) The clinical instruction shall be conducted pursuant to a  
35 written program of instruction provided by the school.

36 (6) The school shall supervise the implementation of the  
37 program on a regular basis, documenting the level and extent of  
38 its supervision.

1 (7) The hospital-based faculty shall evaluate each student on a  
2 regular basis and shall document the completion of each aspect of  
3 the program for each student.

4 (8) The hospital shall ensure a minimum daily census adequate  
5 to meet the instructional needs of the number of students enrolled  
6 in each course area of clinical instruction, but not less than 15  
7 patients in each course area of clinical instruction.

8 (9) The board, in reviewing the application of a foreign medical  
9 graduate, may require the applicant to submit a description of the  
10 clinical program, if the board has not previously approved the  
11 program, and may require the applicant to submit documentation  
12 to demonstrate that the applicant's clinical training met the  
13 requirements of this subdivision.

14 (10) The medical school or school of osteopathic medicine shall  
15 bear the reasonable cost of any site inspection by the board or its  
16 agents necessary to determine whether the clinical program offered  
17 is in compliance with this subdivision.

18 SEC. 13. Section 2096 of the Business and Professions Code  
19 is amended to read:

20 2096. In addition to other requirements of this chapter, before  
21 a physician's and surgeon's license may be issued, each applicant,  
22 including an applicant applying pursuant to Article 5 (commencing  
23 with Section 2100), shall show by evidence satisfactory to the  
24 board that he or she has satisfactorily completed at least one year  
25 of postgraduate training, which includes at least four months of  
26 general medicine, in a postgraduate training program approved by  
27 the Accreditation Council for Graduate Medical Education  
28 (ACGME) or the Royal College of Physicians and Surgeons of  
29 Canada (RCPSC).

30 The amendments made to this section at the 1987 portion of the  
31 1987–88 session of the Legislature shall not apply to applicants  
32 who completed their one year of postgraduate training on or before  
33 July 1, 1990.

34 SEC. 14. Section 2102 of the Business and Professions Code  
35 is amended to read:

36 2102. Any applicant whose professional instruction was  
37 acquired in a country other than the United States or Canada shall  
38 provide evidence satisfactory to the board of compliance with the  
39 following requirements to be issued a physician's and surgeon's  
40 certificate:

1 (a) Completion in a medical school or schools of a resident  
2 course of professional instruction equivalent to that required by  
3 Section 2089 and issuance to the applicant of a document  
4 acceptable to the board that shows final and successful completion  
5 of the course. However, nothing in this section shall be construed  
6 to require the board to evaluate for equivalency any coursework  
7 obtained at a medical school disapproved by the board pursuant  
8 to this section.

9 (b) Certification by the Educational Commission for Foreign  
10 Medical Graduates, or its equivalent, as determined by the board.  
11 This subdivision shall apply to all applicants who are subject to  
12 this section and who have not taken and passed the written  
13 examination specified in subdivision (d) prior to June 1, 1986.

14 (c) Satisfactory completion of the postgraduate training required  
15 under Section 2096. An applicant shall be required to have  
16 substantially completed the professional instruction required in  
17 subdivision (a) and shall be required to make application to the  
18 board and have passed steps 1 and 2 of the written examination  
19 relating to biomedical and clinical sciences prior to commencing  
20 any postgraduate training in this state. In its discretion, the board  
21 may authorize an applicant who is deficient in any education or  
22 clinical instruction required by Sections 2089 and 2089.5 to make  
23 up any deficiencies as a part of his or her postgraduate training  
24 program, but that remedial training shall be in addition to the  
25 postgraduate training required for licensure.

26 (d) Pass the written examination as provided under Article 9  
27 (commencing with Section 2170). An applicant shall be required  
28 to meet the requirements specified in subdivision (b) prior to being  
29 admitted to the written examination required by this subdivision.

30 Nothing in this section prohibits the board from disapproving  
31 any foreign medical school or from denying an application if, in  
32 the opinion of the board, the professional instruction provided by  
33 the medical school or the instruction received by the applicant is  
34 not equivalent to that required in Article 4 (commencing with  
35 Section 2080).

36 SEC. 15. Section 2107 of the Business and Professions Code  
37 is amended to read:

38 2107. (a) The Legislature intends that the board shall have the  
39 authority to substitute postgraduate education and training to  
40 remedy deficiencies in an applicant's medical school education



1 and training. The Legislature further intends that applicants who  
2 substantially completed their clinical training shall be granted that  
3 substitute credit if their postgraduate education took place in an  
4 accredited program.

5 (b) To meet the requirements for licensure set forth in Sections  
6 2089 and 2089.5, the board may require an applicant under this  
7 article to successfully complete additional education and training.  
8 In determining the content and duration of the required additional  
9 education and training, the board shall consider the applicant's  
10 medical education and performance on standardized national  
11 examinations, and may substitute approved postgraduate training  
12 in lieu of specified undergraduate requirements. Postgraduate  
13 training substituted for undergraduate training shall be in addition  
14 to the postgraduate training required by Sections 2102 and 2103.

15 SEC. 16. Section 2135 of the Business and Professions Code  
16 is amended to read:

17 2135. The board shall issue a physician and surgeon's  
18 certificate to an applicant who meets all of the following  
19 requirements:

20 (a) The applicant holds an unlimited license as a physician and  
21 surgeon in another state or states, or in a Canadian province or  
22 Canadian provinces, which was issued upon:

23 (1) Successful completion of a resident course of professional  
24 instruction leading to a degree of medical doctor equivalent to that  
25 specified in Section 2089. However, nothing in this section shall  
26 be construed to require the board to evaluate for equivalency any  
27 coursework obtained at a medical school disapproved by the board  
28 pursuant to Article 4 (commencing with Section 2080).

29 (2) Taking and passing a written examination that is recognized  
30 by the board to be equivalent in content to that administered in  
31 California.

32 (b) The applicant has held an unrestricted license to practice  
33 medicine, in a state or states, in a Canadian province or Canadian  
34 provinces, or as a member of the active military, United States  
35 Public Health Services, or other federal program, for a period of  
36 at least four years. Any time spent by the applicant in an approved  
37 postgraduate training program or clinical fellowship acceptable to  
38 the board shall not be included in the calculation of this four-year  
39 period.

1 (c) The board determines that no disciplinary action has been  
2 taken against the applicant by any medical licensing authority and  
3 that the applicant has not been the subject of adverse judgments  
4 or settlements resulting from the practice of medicine that the  
5 board determines constitutes evidence of a pattern of negligence  
6 or incompetence.

7 (d) The applicant (1) has satisfactorily completed at least one  
8 year of approved postgraduate training and is certified by a  
9 specialty board approved by the American Board of Medical  
10 Specialties or approved by the board pursuant to subdivision (h)  
11 of Section 651; (2) has satisfactorily completed at least two years  
12 of approved postgraduate training; or (3) has satisfactorily  
13 completed at least one year of approved postgraduate training and  
14 takes and passes the clinical competency written examination.

15 (e) The applicant has not committed any acts or crimes  
16 constituting grounds for denial of a certificate under Division 1.5  
17 (commencing with Section 475) or Article 12 (commencing with  
18 Section 2220).

19 (f) Any application received from an applicant who has held an  
20 unrestricted license to practice medicine, in a state or states, or  
21 Canadian province or Canadian provinces, or as a member of the  
22 active military, United States Public Health Services, or other  
23 federal program for four or more years shall be reviewed and  
24 processed pursuant to this section. Any time spent by the applicant  
25 in an approved postgraduate training program or clinical fellowship  
26 acceptable to the board shall not be included in the calculation of  
27 this four-year period. This subdivision does not apply to  
28 applications that may be reviewed and processed pursuant to  
29 Section 2151.

30 SEC. 17. Section 2168.4 of the Business and Professions Code  
31 is amended to read:

32 2168.4. (a) A special faculty permit expires and becomes  
33 invalid at midnight on the last day of the permitholder's birth  
34 month during the second year of a two-year term, if not renewed.

35 (b) A person who holds a special faculty permit shall show at  
36 the time of license renewal that he or she continues to meet the  
37 eligibility criteria set forth in Section 2168.1. After the first renewal  
38 of a special faculty permit, the permitholder shall not be required  
39 to hold a full-time faculty position, and may instead be employed

1 part-time in a position that otherwise meets the requirements set  
2 forth in paragraph (1) of subdivision (a) of Section 2168.1.

3 (c) A person who holds a special faculty permit shall show at  
4 the time of license renewal that he or she meets the continuing  
5 medical education requirements of Article 10 (commencing with  
6 Section 2190).

7 (d) In addition to the requirements set forth above, a special  
8 faculty permit shall be renewed in accordance with Article 19  
9 (commencing with Section 2420) in the same manner as a  
10 physician's and surgeon's certificate.

11 (e) Those fees applicable to a physician's and surgeon's  
12 certificate shall also apply to a special faculty permit and shall be  
13 paid into the State Treasury and credited to the Contingent Fund  
14 of the Medical Board of California.

15 SEC. 18. Section 2169 is added to the Business and Professions  
16 Code, to read:

17 2169. A person who holds a special faculty permit shall meet  
18 the continuing medical education requirements set forth in Article  
19 10 (commencing with Section 2190).

20 SEC. 19. Section 2172 of the Business and Professions Code  
21 is repealed.

22 SEC. 20. Section 2173 of the Business and Professions Code  
23 is repealed.

24 SEC. 21. Section 2174 of the Business and Professions Code  
25 is repealed.

26 SEC. 22. Section 2175 of the Business and Professions Code  
27 is amended to read:

28 2175. State examination records shall be kept on file by the  
29 board until June 1, 2070. Examinees shall be known and designated  
30 by number only, and the name attached to the number shall be kept  
31 secret until the examinee is sent notification of the results of the  
32 examinations.

33 SEC. 23. Section 2221 of the Business and Professions Code  
34 is amended to read:

35 2221. (a) The board may deny a physician's and surgeon's  
36 certificate to an applicant guilty of unprofessional conduct or of  
37 any cause that would subject a licensee to revocation or suspension  
38 of his or her license; or, the board in its sole discretion, may issue  
39 a probationary physician's and surgeon's certificate to an applicant

1 subject to terms and conditions, including, but not limited to, any  
2 of the following conditions of probation:

3 (1) Practice limited to a supervised, structured environment  
4 where the licensee's activities shall be supervised by another  
5 physician and surgeon.

6 (2) Total or partial restrictions on drug prescribing privileges  
7 for controlled substances.

8 (3) Continuing medical or psychiatric treatment.

9 (4) Ongoing participation in a specified rehabilitation program.

10 (5) Enrollment and successful completion of a clinical training  
11 program.

12 (6) Abstention from the use of alcohol or drugs.

13 (7) Restrictions against engaging in certain types of medical  
14 practice.

15 (8) Compliance with all provisions of this chapter.

16 (9) Payment of the cost of probation monitoring.

17 (b) The board may modify or terminate the terms and conditions  
18 imposed on the probationary certificate upon receipt of a petition  
19 from the licensee. The board may assign the petition to an  
20 administrative law judge designated in Section 11371 of the  
21 Government Code. After a hearing on the petition, the  
22 administrative law judge shall provide a proposed decision to the  
23 board.

24 (c) The board shall deny a physician's and surgeon's certificate  
25 to an applicant who is required to register pursuant to Section 290  
26 of the Penal Code. This subdivision does not apply to an applicant  
27 who is required to register as a sex offender pursuant to Section  
28 290 of the Penal Code solely because of a misdemeanor conviction  
29 under Section 314 of the Penal Code.

30 (d) An applicant shall not be eligible to reapply for a physician's  
31 and surgeon's certificate for a minimum of three years from the  
32 effective date of the denial of his or her application, except that  
33 the board may, in its discretion and for good cause demonstrated,  
34 permit reapplication after not less than one year has elapsed from  
35 the effective date of the denial.

36 SEC. 24. Section 2307 of the Business and Professions Code  
37 is amended to read:

38 2307. (a) A person whose certificate has been surrendered  
39 while under investigation or while charges are pending or whose  
40 certificate has been revoked or suspended or placed on probation,

1 may petition the board for reinstatement or modification of penalty,  
2 including modification or termination of probation.

3 (b) The person may file the petition after a period of not less  
4 than the following minimum periods have elapsed from the  
5 effective date of the surrender of the certificate or the decision  
6 ordering that disciplinary action:

7 (1) At least three years for reinstatement of a license surrendered  
8 or revoked for unprofessional conduct, except that the board may,  
9 for good cause shown, specify in a revocation order that a petition  
10 for reinstatement may be filed after two years.

11 (2) At least two years for early termination of probation of three  
12 years or more.

13 (3) At least one year for modification of a condition, or  
14 reinstatement of a license surrendered or revoked for mental or  
15 physical illness, or termination of probation of less than three years.

16 (c) The petition shall state any facts as may be required by the  
17 board. The petition shall be accompanied by at least two verified  
18 recommendations from physicians and surgeons licensed in any  
19 state who have personal knowledge of the activities of the petitioner  
20 since the disciplinary penalty was imposed.

21 (d) The petition may be heard by a panel of the board. The board  
22 may assign the petition to an administrative law judge designated  
23 in Section 11371 of the Government Code. After a hearing on the  
24 petition, the administrative law judge shall provide a proposed  
25 decision to the board or the California Board of Podiatric Medicine,  
26 as applicable, which shall be acted upon in accordance with Section  
27 2335.

28 (e) The panel of the board or the administrative law judge  
29 hearing the petition may consider all activities of the petitioner  
30 since the disciplinary action was taken, the offense for which the  
31 petitioner was disciplined, the petitioner's activities during the  
32 time the certificate was in good standing, and the petitioner's  
33 rehabilitative efforts, general reputation for truth, and professional  
34 ability. The hearing may be continued from time to time as the  
35 administrative law judge designated in Section 11371 of the  
36 Government Code finds necessary.

37 (f) The administrative law judge designated in Section 11371  
38 of the Government Code reinstating a certificate or modifying a  
39 penalty may recommend the imposition of any terms and conditions  
40 deemed necessary.

(g) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the person. The board may deny without a hearing or argument any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

(h) This section is applicable to and may be carried out with regard to licensees of the California Board of Podiatric Medicine. In lieu of two verified recommendations from physicians and surgeons, the petition shall be accompanied by at least two verified recommendations from doctors of podiatric medicine licensed in any state who have personal knowledge of the activities of the petitioner since the date the disciplinary penalty was imposed.

(i) Nothing in this section shall be deemed to alter Sections 822 and 823.

SEC. 25. Section 2335 of the Business and Professions Code is amended to read:

2335. (a) All proposed decisions and interim orders of the Medical Quality Hearing Panel designated in Section 11371 of the Government Code shall be transmitted to the executive director of the board, or the executive director of the California Board of Podiatric Medicine as to the licensees of that board, within 48 hours of filing.

(b) All interim orders shall be final when filed.

(c) A proposed decision shall be acted upon by the board or by any panel appointed pursuant to Section 2008 or by the California Board of Podiatric Medicine, as the case may be, in accordance with Section 11517 of the Government Code, except that all of the following shall apply to proceedings against licensees under this chapter:

(1) When considering a proposed decision, the board or panel and the California Board of Podiatric Medicine shall give great weight to the findings of fact of the administrative law judge, except to the extent those findings of fact are controverted by new evidence.

(2) The board's staff or the staff of the California Board of Podiatric Medicine shall poll the members of the board or panel or of the California Board of Podiatric Medicine by written mail

1 ballot concerning the proposed decision. The mail ballot shall be  
2 sent within 10 calendar days of receipt of the proposed decision,  
3 and shall poll each member on whether the member votes to  
4 approve the decision, to approve the decision with an altered  
5 penalty, to refer the case back to the administrative law judge for  
6 the taking of additional evidence, to defer final decision pending  
7 discussion of the case by the panel or board as a whole, or to  
8 nonadopt the decision. No party to the proceeding, including  
9 employees of the agency that filed the accusation, and no person  
10 who has a direct or indirect interest in the outcome of the  
11 proceeding or who presided at a previous stage of the decision,  
12 may communicate directly or indirectly, upon the merits of a  
13 contested matter while the proceeding is pending, with any member  
14 of the panel or board, without notice and opportunity for all parties  
15 to participate in the communication. The votes of a majority of the  
16 board or of the panel, and a majority of the California Board of  
17 Podiatric Medicine, are required to approve the decision with an  
18 altered penalty, to refer the case back to the administrative law  
19 judge for the taking of further evidence, or to nonadopt the  
20 decision. The votes of two members of the panel or board are  
21 required to defer final decision pending discussion of the case by  
22 the panel or board as a whole. If there is a vote by the specified  
23 number to defer final decision pending discussion of the case by  
24 the panel or board as a whole, provision shall be made for that  
25 discussion before the 100-day period specified in paragraph (3)  
26 expires, but in no event shall that 100-day period be extended.

27 (3) If a majority of the board or of the panel, or a majority of  
28 the California Board of Podiatric Medicine vote to do so, the board  
29 or the panel or the California Board of Podiatric Medicine shall  
30 issue an order of nonadoption of a proposed decision within 100  
31 calendar days of the date it is received by the board. If the board  
32 or the panel or the California Board of Podiatric Medicine does  
33 not refer the case back to the administrative law judge for the  
34 taking of additional evidence or issue an order of nonadoption  
35 within 100 calendar days, the decision shall be final and subject  
36 to review under Section 2337. Members of the board or of any  
37 panel or of the California Board of Podiatric Medicine who review  
38 a proposed decision or other matter and vote by mail as provided  
39 in paragraph (2) shall return their votes by mail to the board within  
40 30 days from receipt of the proposed decision or other matter.

1 (4) The board or the panel or the California Board of Podiatric  
2 Medicine shall afford the parties the opportunity to present oral  
3 argument before deciding a case after nonadoption of the  
4 administrative law judge's decision.

5 (5) A vote of a majority of the board or of a panel, or a majority  
6 of the California Board of Podiatric Medicine, are required to  
7 increase the penalty from that contained in the proposed  
8 administrative law judge's decision. No member of the board or  
9 panel or of the California Board of Podiatric Medicine may vote  
10 to increase the penalty except after reading the entire record and  
11 personally hearing any additional oral argument and evidence  
12 presented to the panel or board.

13 SEC. 26. Section 2486 of the Business and Professions Code  
14 is amended to read:

15 2486. The Medical Board of California shall issue, upon the  
16 recommendation of the board, a certificate to practice podiatric  
17 medicine if the applicant has submitted directly to the board from  
18 the credentialing organizations verification that he or she meets  
19 all of the following requirements:

20 (a) The applicant has graduated from an approved school or  
21 college of podiatric medicine and meets the requirements of Section  
22 2483.

23 (b) The applicant, within the past 10 years, has passed parts I,  
24 II, and III of the examination administered by the National Board  
25 of Podiatric Medical Examiners of the United States or has passed  
26 a written examination that is recognized by the board to be the  
27 equivalent in content to the examination administered by the  
28 National Board of Podiatric Medical Examiners of the United  
29 States.

30 (c) The applicant has satisfactorily completed the postgraduate  
31 training required by Section 2484.

32 (d) The applicant has passed within the past 10 years any oral  
33 and practical examination that may be required of all applicants  
34 by the board to ascertain clinical competence.

35 (e) The applicant has committed no acts or crimes constituting  
36 grounds for denial of a certificate under Division 1.5 (commencing  
37 with Section 475).

38 (f) The board determines that no disciplinary action has been  
39 taken against the applicant by any podiatric licensing authority  
40 and that the applicant has not been the subject of adverse judgments



1 or settlements resulting from the practice of podiatric medicine  
2 that the board determines constitutes evidence of a pattern of  
3 negligence or incompetence.

4 (g) A disciplinary databank report regarding the applicant is  
5 received by the board from the Federation of Podiatric Medical  
6 Boards.

7 SEC. 27. Section 2488 of the Business and Professions Code  
8 is amended to read:

9 2488. Notwithstanding any other provision of law, the Medical  
10 Board of California shall issue, upon the recommendation of the  
11 board, a certificate to practice podiatric medicine by credentialing  
12 if the applicant has submitted directly to the board from the  
13 credentialing organizations verification that he or she is licensed  
14 as a doctor of podiatric medicine in any other state and meets all  
15 of the following requirements:

16 (a) The applicant has graduated from an approved school or  
17 college of podiatric medicine.

18 (b) The applicant, within the past 10 years, has passed either  
19 part III of the examination administered by the National Board of  
20 Podiatric Medical Examiners of the United States or a written  
21 examination that is recognized by the board to be the equivalent  
22 in content to the examination administered by the National Board  
23 of Podiatric Medical Examiners of the United States.

24 (c) The applicant has satisfactorily completed a postgraduate  
25 training program approved by the Council on Podiatric Medical  
26 Education.

27 (d) The applicant, within the past 10 years, has passed any oral  
28 and practical examination that may be required of all applicants  
29 by the board to ascertain clinical competence.

30 (e) The applicant has committed no acts or crimes constituting  
31 grounds for denial of a certificate under Division 1.5 (commencing  
32 with Section 475).

33 (f) The board determines that no disciplinary action has been  
34 taken against the applicant by any podiatric licensing authority  
35 and that the applicant has not been the subject of adverse judgments  
36 or settlements resulting from the practice of podiatric medicine  
37 that the board determines constitutes evidence of a pattern of  
38 negligence or incompetence.

(g) A disciplinary databank report regarding the applicant is received by the board from the Federation of Podiatric Medical Boards.

SEC. 28. Section 2570.5 of the Business and Professions Code is amended to read:

2570.5. (a) A limited permit may be granted to any person who has completed the education and experience requirements of this chapter.

(b) A person who meets the qualifications to be admitted to the examination for licensure or certification under this chapter and is waiting to take the examination or awaiting the announcement of the results of the examination, according to the application requirements for a limited permit, may practice as an occupational therapist or as an occupational therapy assistant under the direction and appropriate supervision of an occupational therapist duly licensed under this chapter. If that person fails to pass the examination during the initial eligibility period, all privileges under this section shall automatically cease upon due notice to the applicant of that failure and may not be renewed.

(c) A limited permit shall be subject to other requirements set forth in rules adopted by the board.

SEC. 28.5. *Section 2570.5 of the Business and Professions Code is amended to read:*

2570.5. (a) A limited permit may be granted to any person who has completed the education and experience requirements of this chapter.

(b) A person who meets the qualifications to be admitted to the examination for licensure ~~or certification~~ under this chapter and is waiting to take the ~~first available~~ examination or awaiting the announcement of the results of the examination, according to the application requirements for a limited permit, may practice as an occupational therapist or as an occupational therapy assistant under the direction and appropriate supervision of an occupational therapist duly licensed under this chapter. If that person fails to ~~qualify for or pass the first announced examination~~ *pass the examination during the initial eligibility period*, all privileges under this section shall automatically cease upon due notice to the applicant of that failure and may not be renewed.

(c) A limited permit shall be subject to other requirements set forth in rules adopted by the board.

1 SEC. 29. Section 2570.6 of the Business and Professions Code  
2 is amended to read:

3 2570.6. An applicant applying for a license as an occupational  
4 therapist or certification as an occupational therapy assistant shall  
5 file with the board a written application provided by the board,  
6 showing to the satisfaction of the board that he or she meets all of  
7 the following requirements:

8 (a) That the applicant is in good standing and has not committed  
9 acts or crimes constituting grounds for denial of a license under  
10 Section 480.

11 (b) (1) That the applicant has successfully completed the  
12 academic requirements of an educational program for occupational  
13 therapists or occupational therapy assistants that is approved by  
14 the board and accredited by the American Occupational Therapy  
15 Association's Accreditation Council for Occupational Therapy  
16 Education (ACOTE), or accredited or approved by the American  
17 Occupational Therapy Association's (AOTA) predecessor  
18 organization, or approved by AOTA's Career Mobility Program.

19 (2) The curriculum of an educational program for occupational  
20 therapists shall contain the content required by the ACOTE  
21 accreditation standards, or as approved by AOTA's predecessor  
22 organization, or as approved by AOTA's Career Mobility Program,  
23 including all of the following subjects:

24 (A) Biological, behavioral, and health sciences.

25 (B) Structure and function of the human body, including  
26 anatomy, kinesiology, physiology, and the neurosciences.

27 (C) Human development throughout the lifespan.

28 (D) Human behavior in the context of sociocultural systems.

29 (E) Etiology, clinical course, management, and prognosis of  
30 disease processes and traumatic injuries, and the effects of those  
31 conditions on human functioning.

32 (F) Occupational therapy theory, practice, and processes.

33 (3) The curriculum of an educational program for occupational  
34 therapy assistants shall contain the content required by the ACOTE  
35 accreditation standards, or as approved or accredited by AOTA's  
36 predecessor organization, including all of the following subjects:

37 (A) Biological, behavioral, and health sciences.

38 (B) Structure and function of the normal human body.

39 (C) Human development.

40 (D) Conditions commonly referred to occupational therapists.

1 (E) Occupational therapy principles and skills.

2 (c) (1) For an applicant who is a graduate of an occupational  
3 therapy or occupational therapy assistant educational program who  
4 is unable to provide evidence of having met the requirements of  
5 paragraph (2) or (3) of subdivision (b), he or she may demonstrate  
6 passage of the examination administered by the National Board  
7 for Certification in Occupational Therapy, the American  
8 Occupational Therapy Certification Board, or the American  
9 Occupational Therapy Association, as evidence of having  
10 successfully satisfied the requirements of paragraph (2) or (3) of  
11 subdivision (b).

12 (2) For an applicant who completed AOTA's Career Mobility  
13 Program, he or she shall demonstrate participation in the program  
14 and passage of the examination administered by the National Board  
15 for Certification in Occupational Therapy, the American  
16 Occupational Therapy Certification Board, or the American  
17 Occupational Therapy Association, as evidence of having  
18 successfully satisfied the requirements of paragraphs (1) and (2)  
19 of subdivision (b).

20 (d) That the applicant has successfully completed a period of  
21 supervised fieldwork experience approved by the board and  
22 arranged by a recognized educational institution where he or she  
23 met the academic requirements of subdivision (b) or (c) or arranged  
24 by a nationally recognized professional association. The fieldwork  
25 requirements for applicants applying for licensure as an  
26 occupational therapist or certification as an occupational therapy  
27 assistant shall be consistent with the requirements of the ACOTE  
28 accreditation standards, or AOTA's predecessor organization, or  
29 AOTA's Career Mobility Program, that were in effect when the  
30 applicant completed his or her educational program.

31 (e) That the applicant has passed an examination as provided  
32 in Section 2570.7.

33 (f) That the applicant, at the time of application, is a person over  
34 18 years of age, is not addicted to alcohol or any controlled  
35 substance, and has not committed acts or crimes constituting  
36 grounds for denial of licensure or certification under Section 480.

37 *SEC. 29.5. Section 2570.6 of the Business and Professions*  
38 *Code is amended to read:*

39 2570.6. An applicant applying for a license as an occupational  
40 therapist or certification as an occupational therapy assistant shall

1 file with the board a written application provided by the board,  
2 showing to the satisfaction of the board that he or she meets all of  
3 the following requirements:

4 (a) That the applicant is in good standing and has not committed  
5 acts or crimes constituting grounds for denial of a license under  
6 Section 480.

7 (b) (1) That the applicant has successfully completed the  
8 academic requirements of an educational program for occupational  
9 therapists or occupational therapy assistants that is approved by  
10 the board and accredited by the American Occupational Therapy  
11 Association's Accreditation Council for Occupational Therapy  
12 Education (ACOTE), *or accredited or approved by the American*  
13 *Occupational Therapy Association's (AOTA) predecessor*  
14 *organization, or approved by AOTA's Career Mobility Program.*

15 (2) The curriculum of an ~~education~~ *educational* program for  
16 occupational therapists shall contain the content ~~specifically~~  
17 *required in by the ACOTE accreditation standards, or as approved*  
18 *by AOTA's predecessor organization, or as approved by AOTA's*  
19 *Career Mobility Program*, including all of the following subjects:

20 (A) Biological, behavioral, and health sciences.

21 (B) Structure and function of the human body, including  
22 anatomy, kinesiology, physiology, and the neurosciences.

23 (C) Human development throughout the ~~life span~~ *lifespan*.

24 (D) Human behavior in the context of sociocultural systems.

25 (E) Etiology, clinical course, management, and prognosis of  
26 disease processes and traumatic injuries, and the effects of those  
27 conditions on human functioning.

28 (F) Occupational therapy theory, practice, and ~~process that shall~~  
29 ~~include the following:~~ *processes.*

30 (i) ~~Human performance, that shall include occupational~~  
31 ~~performance throughout the life cycle, human interaction, roles,~~  
32 ~~values, and the influences of the nonhuman environment.~~

33 (ii) ~~Activity processes that shall include the following:~~

34 (I) ~~Theories underlying the use of purposeful activity and the~~  
35 ~~meaning and dynamics of activity.~~

36 (II) ~~Performance of selected life tasks and activities.~~

37 (III) ~~Analysis, adaptation, and application of purposeful activity~~  
38 ~~as therapeutic intervention.~~

39 (IV) ~~Use of self, dyadic, and group interaction.~~

~~(iii) Theoretical approaches, including those related to purposeful activity, human performance, and adaptation.~~

~~(iv) Application of occupational therapy theory to practice, that shall include the following:~~

~~(I) Assessment and interpretation, observation, interviews, history, and standardized and nonstandardized tests.~~

~~(II) Directing, planning, and implementation, that shall include: therapeutic intervention related to daily living skills and occupational components; therapeutic adaptation, including methods of accomplishing daily life tasks, environmental adjustments, orthotics, and assistive devices and equipment; health maintenance, including energy conservation, joint protection, body mechanics, and positioning; and prevention programs to foster age-appropriate recommendations to maximize treatment gains.~~

~~(III) Program termination including reevaluation, determination of discharge, summary of occupational therapy outcome, and appropriate recommendations to maximize treatment gains.~~

~~(IV) Documentation.~~

~~(v) Development and implementation of quality assurance.~~

~~(vi) Management of occupational therapy service, that shall include:~~

~~(I) Planning services for client groups.~~

~~(II) Personnel management, including occupational therapy assistants, aides, volunteers, and level I students.~~

~~(III) Departmental operations, including budgeting, scheduling, recordkeeping, safety, and maintenance of supplies and equipment.~~

~~(3) The curriculum of an ~~education~~ educational program for occupational therapy assistants shall contain the content specifically required in by the ACOTE accreditation standards, or as approved or accredited by AOTA's predecessor organization, including all of the following subjects:~~

~~(A) Biological, behavioral, and health sciences.~~

~~(B) Structure and function of the normal human body.~~

~~(C) Human development.~~

~~(D) Conditions commonly referred to occupational therapists.~~

~~(E) Occupational therapy principles and skills, that shall include the following: skills.~~

~~(i) Human performance, including life tasks and roles as related to the developmental process from birth to death.~~

~~(ii) Activity processes and skills, that shall include the following:~~

1 ~~(I) Performance of selected life tasks and activities.~~

2 ~~(II) Analysis and adaptation of activities.~~

3 ~~(III) Instruction of individuals and groups in selected life tasks~~  
4 ~~and activities.~~

5 (iii) Concepts related to occupational therapy practice, that shall  
6 include the following:

7 ~~(I) The importance of human occupation as a health determinant.~~

8 ~~(II) The use of self, interpersonal, and communication skills.~~

9 ~~(iv) Use of occupational therapy concepts and skills, that shall~~  
10 ~~include the following:~~

11 ~~(I) Data collection, that shall include structured observation and~~  
12 ~~interviews, history, and structured tests.~~

13 ~~(II) Participation in planning and implementation, that shall~~  
14 ~~include: therapeutic intervention related to daily living skills and~~  
15 ~~occupational components; therapeutic adaptation, including~~  
16 ~~methods of accomplishing daily life tasks, environmental~~  
17 ~~adjustments, orthotics, and assistive devices and equipment; health~~  
18 ~~maintenance, including mental health techniques, energy~~  
19 ~~conservation, joint protection, body mechanics, and positioning;~~  
20 ~~and prevention programs to foster age-appropriate balance of~~  
21 ~~self-care and work.~~

22 ~~(III) Program termination, including assisting in reevaluation,~~  
23 ~~summary of occupational therapy outcome, and appropriate~~  
24 ~~recommendations to maximize treatment gains.~~

25 ~~(IV) Documentation.~~

26 (c) (1) *For an applicant who is a graduate of an occupational*  
27 *therapy or occupational therapy assistant educational program*  
28 *who is unable to provide evidence of having met the requirements*  
29 *of paragraph (2) or (3) of subdivision (b), he or she may*  
30 *demonstrate passage of the examination administered by the*  
31 *National Board for Certification in Occupational Therapy, the*  
32 *American Occupational Therapy Certification Board, or the*  
33 *American Occupational Therapy Association, as evidence of having*  
34 *successfully satisfied the requirements of paragraph (2) or (3) of*  
35 *subdivision (b).*

36 (2) *For an applicant who completed AOTA's Career Mobility*  
37 *Program, he or she shall demonstrate participation in the program*  
38 *and passage of the examination administered by the National*  
39 *Board for Certification in Occupational Therapy, the American*  
40 *Occupational Therapy Certification Board, or the American*

1 *Occupational Therapy Association, as evidence of having*  
2 *successfully satisfied the requirements of paragraphs (1) and (2)*  
3 *of subdivision (b).*

4 (e)

5 (d) That the applicant has successfully completed a period of  
6 supervised fieldwork experience approved by the board and  
7 arranged by a recognized educational institution where he or she  
8 met the academic requirements of subdivision (b) *or (c)* or arranged  
9 by a nationally recognized professional association. The fieldwork  
10 requirements ~~shall be as follows: existing law for applicants~~  
11 ~~applying for licensure as an occupational therapist or certification~~  
12 ~~as an occupational therapy assistant shall be consistent with the~~  
13 ~~requirements of the ACOTE accreditation standards, or AOTA's~~  
14 ~~predecessor organization, or AOTA's Career Mobility Program,~~  
15 ~~that were in effect when the applicant completed his or her~~  
16 ~~educational program.~~

17 (1) ~~For an occupational therapist, a minimum of 960 hours of~~  
18 ~~supervised fieldwork experience shall be completed within 24~~  
19 ~~months of the completion of didactic coursework.~~

20 (2) ~~For an occupational therapy assistant, a minimum of 640~~  
21 ~~hours of supervised fieldwork experience shall be completed within~~  
22 ~~20 months of the completion of didactic coursework.~~

23 (d)

24 (e) That the applicant has passed an examination as provided  
25 in Section 2570.7.

26 (e)

27 (f) That the applicant, at the time of application, is a person over  
28 18 years of age, is not addicted to alcohol or any controlled  
29 substance, and has not committed acts or crimes constituting  
30 grounds for denial of licensure ~~or certification~~ under Section 480.

31 SEC. 30. Section 2570.7 of the Business and Professions Code  
32 is amended to read:

33 2570.7. (a) An applicant who has satisfied the requirements  
34 of Section 2570.6 may apply for examination for licensure or  
35 certification in a manner prescribed by the board. Subject to the  
36 provisions of this chapter, an applicant who fails an examination  
37 may apply for reexamination.

38 (b) Each applicant for licensure or certification shall successfully  
39 complete the entry level certification examination for occupational  
40 therapists or occupational therapy assistants approved by the board,



such as the examination administered by the National Board for Certification in Occupational Therapy, the American Occupational Therapy Certification Board, or the American Occupational Therapy Association. The examination shall be appropriately validated. Each applicant shall be examined by written examination to test his or her knowledge of the basic and clinical sciences relating to occupational therapy, occupational therapy techniques and methods, and any other subjects that the board may require to determine the applicant's fitness to practice under this chapter.

(c) Applicants for licensure or certification shall be examined at a time and place and under that supervision as the board may require.

SEC. 30.5. *Section 2570.7 of the Business and Professions Code is amended to read:*

2570.7. (a) An applicant who has satisfied the requirements of Section 2570.6 may apply for examination for licensure ~~or certification~~ in a manner prescribed by the board. Subject to the provisions of this chapter, an applicant who fails an examination may apply for reexamination.

(b) Each applicant for licensure ~~or certification~~ shall successfully complete the entry level certification examination for occupational therapists or occupational therapy assistants ~~approved by the board,~~ such as the examination administered by the National Board for Certification in Occupational Therapy ~~or by another nationally recognized credentialing body,~~ the American Occupational Therapy Certification Board, or the American Occupational Therapy Association. The examination shall be appropriately validated. Each applicant shall be examined by written examination to test his or her knowledge of the basic and clinical sciences relating to occupational therapy, occupational therapy techniques and methods, and any other subjects that the board may require to determine the applicant's fitness to practice under this chapter.

(c) Applicants for licensure ~~or certification~~ shall be examined at a time and place and under that supervision as the board may require.

SEC. 31. *Section 2570.185 of the Business and Professions Code is amended to read:*

2570.185. (a) An occupational therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record.

1 (b) An occupational therapy assistant shall document the services  
2 provided in the patient record.

3 (c) Occupational therapists and occupational therapy assistants  
4 shall document and sign the patient record legibly.

5 (d) Patient records shall be maintained for a period of no less  
6 than seven years following the discharge of the patient, except that  
7 the records of unemancipated minors shall be maintained at least  
8 one year after the minor has reached the age of 18 years, and not  
9 in any case less than seven years.

10 SEC. 32. Section 2570.36 is added to the Business and  
11 Professions Code, to read:

12 2570.36. If a licensee has knowledge that an applicant or  
13 licensee may be in violation of, or has violated, any of the statutes  
14 or regulations administered by the board, the licensee shall report  
15 this information to the board in writing and shall cooperate with  
16 the board in providing information or assistance as may be  
17 required.

18 SEC. 33. Section 2760.1 of the Business and Professions Code  
19 is amended to read:

20 2760.1. (a) A registered nurse whose license has been revoked  
21 or suspended or who has been placed on probation may petition  
22 the board for reinstatement or modification of penalty, including  
23 reduction or termination of probation, after a period not less than  
24 the following minimum periods has elapsed from the effective  
25 date of the decision ordering that disciplinary action, or if the order  
26 of the board or any portion of it is stayed by the board itself or by  
27 the superior court, from the date the disciplinary action is actually  
28 implemented in its entirety, or for a registered nurse whose initial  
29 license application is subject to a disciplinary decision, from the  
30 date the initial license was issued:

31 (1) Except as otherwise provided in this section, at least three  
32 years for reinstatement of a license that was revoked, except that  
33 the board may, in its sole discretion, specify in its order a lesser  
34 period of time provided that the period shall be not less than one  
35 year.

36 (2) At least two years for early termination of a probation period  
37 of three years or more.

38 (3) At least one year for modification of a condition, or  
39 reinstatement of a license revoked for mental or physical illness,  
40 or termination of probation of less than three years.

1 (b) The board shall give notice to the Attorney General of the  
2 filing of the petition. The petitioner and the Attorney General shall  
3 be given timely notice by letter of the time and place of the hearing  
4 on the petition, and an opportunity to present both oral and  
5 documentary evidence and argument to the board. The petitioner  
6 shall at all times have the burden of proof to establish by clear and  
7 convincing evidence that he or she is entitled to the relief sought  
8 in the petition.

9 (c) The hearing may be continued from time to time as the board  
10 deems appropriate.

11 (d) The board itself shall hear the petition and the administrative  
12 law judge shall prepare a written decision setting forth the reasons  
13 supporting the decision.

14 (e) The board may grant or deny the petition, or may impose  
15 any terms and conditions that it reasonably deems appropriate as  
16 a condition of reinstatement or reduction of penalty.

17 (f) The petitioner shall provide a current set of fingerprints  
18 accompanied by the necessary fingerprinting fee.

19 (g) No petition shall be considered while the petitioner is under  
20 sentence for any criminal offense, including any period during  
21 which the petitioner is on court-imposed probation or parole, or  
22 subject to an order of registration pursuant to Section 290 of the  
23 Penal Code. No petition shall be considered while there is an  
24 accusation or petition to revoke probation pending against the  
25 petitioner.

26 (h) Except in those cases where the petitioner has been  
27 disciplined pursuant to Section 822, the board may in its discretion  
28 deny without hearing or argument any petition that is filed pursuant  
29 to this section within a period of two years from the effective date  
30 of a prior decision following a hearing under this section.

31 SEC. 34. Section 3503 of the Business and Professions Code  
32 is amended to read:

33 3503. No person other than one who has been licensed to  
34 practice as a physician assistant shall practice as a physician  
35 assistant or in a similar capacity to a physician and surgeon or  
36 podiatrist or hold himself or herself out as a “physician assistant,”  
37 or shall use any other term indicating or implying that he or she  
38 is a physician assistant.

39 SEC. 35. Section 3517 of the Business and Professions Code  
40 is amended to read:

1     3517. The committee shall require a written examination of  
2 physician assistants in the manner and under the rules and  
3 regulations as it shall prescribe, but the examination shall be  
4 conducted in that manner as to ensure that the identity of each  
5 applicant taking the examination will be unknown to all of the  
6 examiners until all examination papers have been graded. Except  
7 as otherwise provided in this chapter, or by regulation, no physician  
8 assistant applicant shall receive approval under this chapter without  
9 first successfully passing an examination given under the direction  
10 of the committee.

11     Examinations for licensure as a physician assistant may be  
12 required by the committee under a uniform examination system,  
13 and for that purpose the committee may make those arrangements  
14 with organizations furnishing examination material as may, in its  
15 discretion, be desirable. The committee shall, however, establish  
16 a passing score for each examination. The licensure examination  
17 for physician assistants shall be held by the committee at least  
18 once a year with such additional examinations as the committee  
19 deems necessary. The time and place of examination shall be fixed  
20 by the committee.

21     SEC. 36. Section 3518 of the Business and Professions Code  
22 is amended to read:

23     3518. The committee shall keep current, two separate registers,  
24 one for approved supervising physicians and one for licensed  
25 physician's assistants, by specialty if applicable. These registers  
26 shall show the name of each licensee, his or her last known address  
27 of record, and the date of his or her licensure or approval. Any  
28 interested person is entitled to obtain a copy of the register in  
29 accordance with the Information Practices Act of 1977 (Chapter  
30 1 (commencing with Section 1798) of Title 1.8 of Part 4 of  
31 Division 3 of the Civil Code) upon application to the committee  
32 together with a sum as may be fixed by the committee, which  
33 amount shall not exceed the cost of this list so furnished.

34     SEC. 37. Section 3625 of the Business and Professions Code  
35 is amended to read:

36     3625. (a) The Director of Consumer Affairs shall establish an  
37 advisory council consisting of nine members. Members of the  
38 advisory council shall include three members who are California  
39 licensed naturopathic doctors, or have met the requirements for  
40 licensure pursuant to this chapter, three members who are

1 California licensed physicians and surgeons, and three public  
2 members.

3 (b) A member of the advisory council shall be appointed for a  
4 four-year term. A person shall not serve as a member of the council  
5 for more than two consecutive terms. A member shall hold office  
6 until the appointment and qualification of his or her successor, or  
7 until one year from the expiration of the term for which the member  
8 was appointed, whichever first occurs. Vacancies shall be filled  
9 by appointment for unexpired terms. The first terms of the members  
10 first appointed shall be as follows:

11 (1) The Governor shall appoint one physician and surgeon  
12 member, one naturopathic doctor member, and one public member,  
13 with term expirations of June 1, 2006; one physician and surgeon  
14 member with a term expiration date of June 1, 2007; and one  
15 naturopathic doctor member with a term expiration date of June  
16 1, 2008.

17 (2) The Senate Committee on Rules shall appoint one physician  
18 and surgeon member with a term expiration of June 1, 2008, and  
19 one public member with a term expiration of June 1, 2007.

20 (3) The Speaker of the Assembly shall appoint one naturopathic  
21 doctor member with a term expiration of June 1, 2007, and one  
22 public member with a term expiration of June 1, 2008.

23 (c) (1) A public member of the advisory council shall be a  
24 citizen of this state for at least five years preceding his or her  
25 appointment.

26 (2) A person shall not be appointed as a public member if the  
27 person or the person's immediate family in any manner owns an  
28 interest in a college, school, or institution engaged in naturopathic  
29 education, or the person or the person's immediate family has an  
30 economic interest in naturopathy or has any other conflict of  
31 interest. "Immediate family" means the public member's spouse,  
32 parents, children, or his or her children's spouses.

33 (d) In order to operate in as cost-effective a manner as possible,  
34 the advisory council and any advisory committee created pursuant  
35 to this chapter shall meet as few times as necessary to perform its  
36 duties.

37 SEC. 38. Section 3635 of the Business and Professions Code  
38 is amended to read:

39 3635. (a) In addition to any other qualifications and  
40 requirements for licensure renewal, the bureau shall require the

1 satisfactory completion of 60 hours of approved continuing  
2 education biennially. This requirement is waived for the initial  
3 license renewal. The continuing education shall meet the following  
4 requirements:

5 (1) At least 20 hours shall be in pharmacotherapeutics.

6 (2) No more than 15 hours may be in naturopathic medical  
7 journals or osteopathic or allopathic medical journals, or audio or  
8 videotaped presentations, slides, programmed instruction, or  
9 computer-assisted instruction or preceptorships.

10 (3) No more than 20 hours may be in any single topic.

11 (4) No more than 15 hours of the continuing education  
12 requirements for the specialty certificate in naturopathic childbirth  
13 attendance shall apply to the 60 hours of continuing education  
14 requirement.

15 (b) The continuing education requirements of this section may  
16 be met through continuing education courses approved by the  
17 bureau, the California Naturopathic Doctors Association, the  
18 American Association of Naturopathic Physicians, the California  
19 State Board of Pharmacy, the State Board of Chiropractic  
20 Examiners, or other courses that meet the standards for continuing  
21 education for licensed physicians and surgeons in California.

22 *SEC. 38.5. Section 3635 of the Business and Professions Code*  
23 *is amended to read:*

24 3635. (a) In addition to any other qualifications and  
25 requirements for licensure renewal, the ~~bureau~~ *committee* shall  
26 require the satisfactory completion of 60 hours of approved  
27 continuing education biennially. This requirement is waived for  
28 the initial license renewal. The continuing education shall meet  
29 the following requirements:

30 (1) At least 20 hours shall be in pharmacotherapeutics.

31 (2) No more than 15 hours may be in naturopathic medical  
32 journals or osteopathic or allopathic medical journals, or audio or  
33 videotaped presentations, slides, programmed instruction, or  
34 computer-assisted instruction or preceptorships.

35 (3) No more than 20 hours may be in any single topic.

36 (4) No more than 15 hours of the continuing education  
37 requirements for the specialty certificate in naturopathic childbirth  
38 attendance shall apply to the 60 hours of continuing education  
39 requirement.

(b) The continuing education requirements of this section may be met through continuing education courses approved by the *committee, the California Naturopathic Doctors Association, the American Association of Naturopathic Physicians, the Medical Board of California, the California State Board of Pharmacy, the State Board of Chiropractic Examiners, or other courses approved by the bureau that meet the standards for continuing education for licensed physicians and surgeons in California.*

SEC. 39. Section 3636 of the Business and Professions Code is amended to read:

3636. (a) Upon a written request, the bureau may grant inactive status to a naturopathic doctor who is in good standing and who meets the requirements of Section 462.

(b) A person whose license is in inactive status may not engage in any activity for which a license is required under this chapter.

(c) A person whose license is in inactive status shall be exempt from continuing education requirements while his or her license is in that status.

(d) To restore a license to active status, a person whose license is in inactive status must fulfill continuing education requirements for the two-year period prior to reactivation, and be current with all licensing fees as determined by the bureau.

SEC. 39.5. Section 3636 of the Business and Professions Code is amended to read:

3636. (a) Upon a written request, the ~~bureau~~ *committee* may grant inactive status to a naturopathic doctor who is in good standing and who meets the requirements of Section 462.

(b) A person whose license is in inactive status may not engage in any activity for which a license is required under this chapter.

(c) A person whose license is in inactive status shall be exempt from continuing education requirements while his or her license is in that status.

(d) To restore a license to active status, a person whose license is in inactive status must fulfill continuing education requirements for the two-year period prior to reactivation, and ~~pay a reactivation fee established~~ *be current with all licensing fees as determined by the bureau committee.*

~~SEC. 40. Section 3685 of the Business and Professions Code is amended to read:~~

1     ~~3685. (a) This chapter shall become inoperative on July 1,~~  
2     ~~2010, and, as of January 1, 2011, is repealed, unless a later enacted~~  
3     ~~statute that is enacted before January 1, 2011, deletes or extends~~  
4     ~~the dates on which it becomes inoperative and is repealed. The~~  
5     ~~repeal of this chapter renders the bureau subject to the review~~  
6     ~~required by Division 1.2 (commencing with Section 473).~~

7     ~~(b) The bureau shall prepare the report required by Section 473.2~~  
8     ~~no later than September 1, 2008.~~

9     ~~SEC. 41.~~

10    ~~SEC. 40.~~ Section 3753.5 of the Business and Professions Code  
11    is amended to read:

12    3753.5. (a) In any order issued in resolution of a disciplinary  
13    proceeding before the board, the board or the administrative law  
14    judge may direct any practitioner or applicant found to have  
15    committed a violation or violations of law or any term and  
16    condition of board probation to pay to the board a sum not to  
17    exceed the costs of the investigation and prosecution of the case.  
18    A certified copy of the actual costs, or a good faith estimate of  
19    costs where actual costs are not available, signed by the official  
20    custodian of the record or his or her designated representative shall  
21    be prima facie evidence of the actual costs of the investigation and  
22    prosecution of the case.

23    (b) The costs shall be assessed by the administrative law judge  
24    and shall not be increased by the board; however, the costs may  
25    be imposed or increased by the board if it does not adopt the  
26    proposed decision of the case.

27    Where an order for recovery of costs is made and timely payment  
28    is not made as directed in the board's decision the board may  
29    enforce the order for repayment in any appropriate court. This  
30    right of enforcement shall be in addition to any other rights the  
31    board may have as to any practitioner directed to pay costs.

32    (c) In any action for recovery of costs, proof of the board's  
33    decision shall be conclusive proof of the validity of the order of  
34    payment and the terms for payment.

35    (d) (1) The board shall not renew or reinstate the license of any  
36    licensee who has failed to pay all of the costs ordered under this  
37    section.

38    (2) Notwithstanding paragraph (1), the board may, in its  
39    discretion, conditionally renew, for a maximum of one year, the  
40    license of any licensee who demonstrates financial hardship,



1 through documentation satisfactory to the board, and who enters  
2 into a formal agreement with the board to reimburse the board  
3 within that one-year period for those unpaid costs.

4 ~~SEC. 42.~~

5 *SEC. 41.* Section 4022.5 of the Business and Professions Code  
6 is amended to read:

7 4022.5. (a) “Designated representative” means an individual  
8 to whom a license has been granted pursuant to Section 4053. A  
9 pharmacist fulfilling the duties of Section 4053 shall not be  
10 required to obtain a license as a designated representative.

11 (b) “Designated representative-in-charge” means a designated  
12 representative or a pharmacist proposed by a wholesaler or  
13 veterinary food-animal drug retailer and approved by the board as  
14 the supervisor or manager responsible for ensuring the wholesaler’s  
15 or veterinary food-animal drug retailer’s compliance with all state  
16 and federal laws and regulations pertaining to practice in the  
17 applicable license category.

18 ~~SEC. 43.~~

19 *SEC. 42.* Section 4027 of the Business and Professions Code  
20 is amended to read:

21 4027. (a) As used in this chapter, the terms “skilled nursing  
22 facility,” “intermediate care facility,” and other references to health  
23 facilities shall be construed with respect to the definitions contained  
24 in Article 1 (commencing with Section 1250) of Chapter 2 of  
25 Division 2 of the Health and Safety Code.

26 (b) As used in Section 4052.1, “licensed health care facility”  
27 means a facility licensed pursuant to Article 1 (commencing with  
28 Section 1250) of Chapter 2 of Division 2 of the Health and Safety  
29 Code or a facility, as defined in Section 1250 of the Health and  
30 Safety Code, operated by a health care service plan licensed  
31 pursuant to Chapter 2.2 (commencing with Section 1340) of  
32 Division 2 of the Health and Safety Code.

33 (c) As used in Section 4052.2, “health care facility” means a  
34 facility, other than a facility licensed under Division 2  
35 (commencing with Section 1200) of the Health and Safety Code,  
36 that is owned or operated by a health care service plan licensed  
37 pursuant to Chapter 2.2 (commencing with Section 1340) of the  
38 Health and Safety Code, or by an organization under common  
39 ownership or control of the health care service plan; “licensed  
40 home health agency” means a private or public organization

1 licensed by the State Department of Public Health pursuant to  
2 Chapter 8 (commencing with Section 1725) of Division 2 of the  
3 Health and Safety Code, as further defined in Section 1727 of the  
4 Health and Safety Code; and “licensed clinic” means a clinic  
5 licensed pursuant to Article 1 (commencing with Section 1200)  
6 of Chapter 1 of Division 2 of the Health and Safety Code.

7 (d) “Licensed health care facility” or “facility,” as used in  
8 Section 4065, means a health facility licensed pursuant to Article  
9 1 (commencing with Section 1250) of Chapter 2 of Division 2 of  
10 the Health and Safety Code or a facility that is owned or operated  
11 by a health care service plan licensed pursuant to Chapter 2.2  
12 (commencing with Section 1340) of Division 2 of the Health and  
13 Safety Code or by an organization under common ownership or  
14 control with the health care service plan.

15 ~~SEC. 44.~~

16 *SEC. 43.* Section 4036.5 is added to the Business and  
17 Professions Code, to read:

18 4036.5. “Pharmacist-in-charge” means a pharmacist proposed  
19 by a pharmacy and approved by the board as the supervisor or  
20 manager responsible for ensuring the pharmacy’s compliance with  
21 all state and federal laws and regulations pertaining to the practice  
22 of pharmacy.

23 ~~SEC. 45.~~

24 *SEC. 44.* Section 4040 of the Business and Professions Code  
25 is amended to read:

26 4040. (a) “Prescription” means an oral, written, or electronic  
27 transmission order that is both of the following:

28 (1) Given individually for the person or persons for whom  
29 ordered that includes all of the following:

30 (A) The name or names and address of the patient or patients.

31 (B) The name and quantity of the drug or device prescribed and  
32 the directions for use.

33 (C) The date of issue.

34 (D) Either rubber stamped, typed, or printed by hand or typeset,  
35 the name, address, and telephone number of the prescriber, his or  
36 her license classification, and his or her federal registry number,  
37 if a controlled substance is prescribed.

38 (E) A legible, clear notice of the condition for which the drug  
39 is being prescribed, if requested by the patient or patients.

1 (F) If in writing, signed by the prescriber issuing the order, or  
2 the certified nurse-midwife, nurse practitioner, physician assistant,  
3 or naturopathic doctor who issues a drug order pursuant to Section  
4 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist  
5 who issues a drug order pursuant to either Section 4052.1 or  
6 4052.2.

7 (2) Issued by a physician, dentist, optometrist, podiatrist,  
8 veterinarian, or naturopathic doctor pursuant to Section 3640.7 or,  
9 if a drug order is issued pursuant to Section 2746.51, 2836.1,  
10 3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner,  
11 physician assistant, or naturopathic doctor licensed in this state,  
12 or pursuant to either Section 4052.1 or 4052.2 by a pharmacist  
13 licensed in this state.

14 (b) Notwithstanding subdivision (a), a written order of the  
15 prescriber for a dangerous drug, except for any Schedule II  
16 controlled substance, that contains at least the name and signature  
17 of the prescriber, the name and address of the patient in a manner  
18 consistent with paragraph (2) of subdivision (a) of Section 11164  
19 of the Health and Safety Code, the name and quantity of the drug  
20 prescribed, directions for use, and the date of issue may be treated  
21 as a prescription by the dispensing pharmacist as long as any  
22 additional information required by subdivision (a) is readily  
23 retrievable in the pharmacy. In the event of a conflict between this  
24 subdivision and Section 11164 of the Health and Safety Code,  
25 Section 11164 of the Health and Safety Code shall prevail.

26 (c) “Electronic transmission prescription” includes both image  
27 and data prescriptions. “Electronic image transmission  
28 prescription” means any prescription order for which a facsimile  
29 of the order is received by a pharmacy from a licensed prescriber.  
30 “Electronic data transmission prescription” means any prescription  
31 order, other than an electronic image transmission prescription,  
32 that is electronically transmitted from a licensed prescriber to a  
33 pharmacy.

34 (d) The use of commonly used abbreviations shall not invalidate  
35 an otherwise valid prescription.

36 (e) Nothing in the amendments made to this section (formerly  
37 Section 4036) at the 1969 Regular Session of the Legislature shall  
38 be construed as expanding or limiting the right that a chiropractor,  
39 while acting within the scope of his or her license, may have to  
40 prescribe a device.

1     *SEC. 44.5. Section 4040 of the Business and Professions Code*  
2     *is amended to read:*

3     4040. (a) “Prescription” means an oral, written, or electronic  
4     transmission order that is both of the following:

5     (1) Given individually for the person or persons for whom  
6     ordered that includes all of the following:

7     (A) The name or names and address of the patient or patients.

8     (B) The name and quantity of the drug or device prescribed and  
9     the directions for use.

10    (C) The date of issue.

11    (D) Either rubber stamped, typed, or printed by hand or typeset,  
12    the name, address, and telephone number of the prescriber, his or  
13    her license classification, and his or her federal registry number,  
14    if a controlled substance is prescribed.

15    (E) A legible, clear notice of the condition *or purpose* for which  
16    the drug is being prescribed, if requested by the patient or patients.

17    (F) If in writing, signed by the prescriber issuing the order, or  
18    the certified nurse-midwife, nurse practitioner, physician assistant,  
19    or naturopathic doctor who issues a drug order pursuant to Section  
20    2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist  
21    who issues a drug order pursuant to either ~~subparagraph (D) of~~  
22    ~~paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph~~  
23    ~~(5) of, subdivision (a) of Section 4052~~ *Section 4052.1 or 4052.2.*

24    (2) Issued by a physician, dentist, optometrist, podiatrist,  
25    veterinarian, or naturopathic doctor pursuant to Section 3640.7 or,  
26    if a drug order is issued pursuant to Section 2746.51, 2836.1,  
27    3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner,  
28    physician assistant, or naturopathic doctor licensed in this state,  
29    or pursuant to either ~~subparagraph (D) of paragraph (4) of, or~~  
30    ~~clause (iv) of subparagraph (A) of paragraph (5) of, subdivision~~  
31    ~~(a) of Section 4052~~ *Section 4052.1 or 4052.2* by a pharmacist  
32    licensed in this state.

33    (b) Notwithstanding subdivision (a), a written order of the  
34    prescriber for a dangerous drug, except for any Schedule II  
35    controlled substance, that contains at least the name and signature  
36    of the prescriber, the name and address of the patient in a manner  
37    consistent with ~~paragraph (3) (2) of subdivision (b) (a) of Section~~  
38    11164 of the Health and Safety Code, the name and quantity of  
39    the drug prescribed, directions for use, and the date of issue may  
40    be treated as a prescription by the dispensing pharmacist as long

1 as any additional information required by subdivision (a) is readily  
2 retrievable in the pharmacy. In the event of a conflict between this  
3 subdivision and Section 11164 of the Health and Safety Code,  
4 Section 11164 of the Health and Safety Code shall prevail.

5 (c) “Electronic transmission prescription” includes both image  
6 and data prescriptions. “Electronic image transmission  
7 prescription” means any prescription order for which a facsimile  
8 of the order is received by a pharmacy from a licensed prescriber.  
9 “Electronic data transmission prescription” means any prescription  
10 order, other than an electronic image transmission prescription,  
11 that is electronically transmitted from a licensed prescriber to a  
12 pharmacy.

13 (d) The use of commonly used abbreviations shall not invalidate  
14 an otherwise valid prescription.

15 (e) Nothing in the amendments made to this section (formerly  
16 Section 4036) at the 1969 Regular Session of the Legislature shall  
17 be construed as expanding or limiting the right that a chiropractor,  
18 while acting within the scope of his or her license, may have to  
19 prescribe a device.

20 ~~SEC. 46.~~

21 *SEC. 45.* Section 4051 of the Business and Professions Code  
22 is amended to read:

23 4051. (a) Except as otherwise provided in this chapter, it is  
24 unlawful for any person to manufacture, compound, furnish, sell,  
25 or dispense any dangerous drug or dangerous device, or to dispense  
26 or compound any prescription pursuant to Section 4040 of a  
27 prescriber unless he or she is a pharmacist under this chapter.

28 (b) Notwithstanding any other law, a pharmacist may authorize  
29 the initiation of a prescription, pursuant to Section 4052.1, 4052.2,  
30 or 4052.3, and otherwise provide clinical advice or information or  
31 patient consultation if all of the following conditions are met:

32 (1) The clinical advice or information or patient consultation is  
33 provided to a health care professional or to a patient.

34 (2) The pharmacist has access to prescription, patient profile,  
35 or other relevant medical information for purposes of patient and  
36 clinical consultation and advice.

37 (3) Access to the information described in paragraph (2) is  
38 secure from unauthorized access and use.

1     ~~SEC. 47.~~

2     ~~SEC. 46.~~ Section 4059.5 of the Business and Professions Code  
3 is amended to read:

4     4059.5. (a) Except as otherwise provided in this chapter,  
5 dangerous drugs or dangerous devices may only be ordered by an  
6 entity licensed by the board and shall be delivered to the licensed  
7 premises and signed for and received by a pharmacist. Where a  
8 licensee is permitted to operate through a designated representative,  
9 the designated representative shall sign for and receive the delivery.

10    (b) A dangerous drug or dangerous device transferred, sold, or  
11 delivered to a person within this state shall be transferred, sold, or  
12 delivered only to an entity licensed by the board, to a manufacturer,  
13 or to an ultimate user or the ultimate user's agent.

14    (c) Notwithstanding subdivisions (a) and (b), deliveries to a  
15 hospital pharmacy may be made to a central receiving location  
16 within the hospital. However, the dangerous drugs or dangerous  
17 devices shall be delivered to the licensed pharmacy premises within  
18 one working day following receipt by the hospital, and the  
19 pharmacist on duty at that time shall immediately inventory the  
20 dangerous drugs or dangerous devices.

21    (d) Notwithstanding any other provision of law, a dangerous  
22 drug or dangerous device may be ordered by and provided to a  
23 manufacturer, physician, dentist, podiatrist, optometrist,  
24 veterinarian, naturopathic doctor pursuant to Section 3640.7, or  
25 laboratory, or a physical therapist acting within the scope of his  
26 or her license. A person or entity receiving delivery of a dangerous  
27 drug or dangerous device, or a duly authorized representative of  
28 the person or entity, shall sign for the receipt of the dangerous drug  
29 or dangerous device.

30    (e) A dangerous drug or dangerous device shall not be  
31 transferred, sold, or delivered to a person outside this state, whether  
32 foreign or domestic, unless the transferor, seller, or deliverer does  
33 so in compliance with the laws of this state and of the United States  
34 and of the state or country to which the dangerous drugs or  
35 dangerous devices are to be transferred, sold, or delivered.  
36 Compliance with the laws of this state and the United States and  
37 of the state or country to which the dangerous drugs or dangerous  
38 devices are to be delivered shall include, but not be limited to,  
39 determining that the recipient of the dangerous drugs or dangerous

1 devices is authorized by law to receive the dangerous drugs or  
2 dangerous devices.

3 (f) Notwithstanding subdivision (a), a pharmacy may take  
4 delivery of dangerous drugs and dangerous devices when the  
5 pharmacy is closed and no pharmacist is on duty if all of the  
6 following requirements are met:

7 (1) The drugs are placed in a secure storage facility in the same  
8 building as the pharmacy.

9 (2) Only the pharmacist-in-charge or a pharmacist designated  
10 by the pharmacist-in-charge has access to the secure storage facility  
11 after dangerous drugs or dangerous devices have been delivered.

12 (3) The secure storage facility has a means of indicating whether  
13 it has been entered after dangerous drugs or dangerous devices  
14 have been delivered.

15 (4) The pharmacy maintains written policies and procedures for  
16 the delivery of dangerous drugs and dangerous devices to a secure  
17 storage facility.

18 (5) The agent delivering dangerous drugs and dangerous devices  
19 pursuant to this subdivision leaves documents indicating the name  
20 and amount of each dangerous drug or dangerous device delivered  
21 in the secure storage facility.

22 The pharmacy shall be responsible for the dangerous drugs and  
23 dangerous devices delivered to the secure storage facility. The  
24 pharmacy shall also be responsible for obtaining and maintaining  
25 records relating to the delivery of dangerous drugs and dangerous  
26 devices to a secure storage facility.

27 ~~SEC. 48.~~

28 *SEC. 47.* Section 4060 of the Business and Professions Code  
29 is amended to read:

30 4060. No person shall possess any controlled substance, except  
31 that furnished to a person upon the prescription of a physician,  
32 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
33 pursuant to Section 3640.7, or furnished pursuant to a drug order  
34 issued by a certified nurse-midwife pursuant to Section 2746.51,  
35 a nurse practitioner pursuant to Section 2836.1, a physician  
36 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant  
37 to Section 3640.5, or a pharmacist pursuant to either Section 4052.1  
38 or 4052.2. This section shall not apply to the possession of any  
39 controlled substance by a manufacturer, wholesaler, pharmacy,  
40 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,

1 naturopathic doctor, certified nurse-midwife, nurse practitioner,  
2 or physician assistant, when in stock in containers correctly labeled  
3 with the name and address of the supplier or producer.

4 Nothing in this section authorizes a certified nurse-midwife, a  
5 nurse practitioner, a physician assistant, or a naturopathic doctor,  
6 to order his or her own stock of dangerous drugs and devices.

7 ~~SEC. 49.~~

8 *SEC. 48.* Section 4062 of the Business and Professions Code  
9 is amended to read:

10 4062. (a) Notwithstanding Section 4059 or any other provision  
11 of law, a pharmacist may, in good faith, furnish a dangerous drug  
12 or dangerous device in reasonable quantities without a prescription  
13 during a federal, state, or local emergency, to further the health  
14 and safety of the public. A record containing the date, name, and  
15 address of the person to whom the drug or device is furnished, and  
16 the name, strength, and quantity of the drug or device furnished  
17 shall be maintained. The pharmacist shall communicate this  
18 information to the patient's attending physician as soon as possible.  
19 Notwithstanding Section 4060 or any other provision of law, a  
20 person may possess a dangerous drug or dangerous device  
21 furnished without prescription pursuant to this section.

22 (b) During a declared federal, state, or local emergency, the  
23 board may waive application of any provisions of this chapter or  
24 the regulations adopted pursuant to it if, in the board's opinion,  
25 the waiver will aid in the protection of public health or the  
26 provision of patient care.

27 (c) During a declared federal, state, or local emergency, the  
28 board shall allow for the employment of a mobile pharmacy in  
29 impacted areas in order to ensure the continuity of patient care, if  
30 all of the following conditions are met:

31 (1) The mobile pharmacy shares common ownership with at  
32 least one currently licensed pharmacy in good standing.

33 (2) The mobile pharmacy retains records of dispensing, as  
34 required by subdivision (a).

35 (3) A licensed pharmacist is on the premises and the mobile  
36 pharmacy is under the control and management of a pharmacist  
37 while the drugs are being dispensed.

38 (4) Reasonable security measures are taken to safeguard the  
39 drug supply maintained in the mobile pharmacy.



1 (5) The mobile pharmacy is located within the declared  
2 emergency area or affected areas.

3 (6) The mobile pharmacy ceases the provision of services within  
4 48 hours following the termination of the declared emergency.

5 ~~SEC. 50.~~

6 *SEC. 49.* Section 4076 of the Business and Professions Code  
7 is amended to read:

8 4076. (a) A pharmacist shall not dispense any prescription  
9 except in a container that meets the requirements of state and  
10 federal law and is correctly labeled with all of the following:

11 (1) Except where the prescriber or the certified nurse-midwife  
12 who functions pursuant to a standardized procedure or protocol  
13 described in Section 2746.51, the nurse practitioner who functions  
14 pursuant to a standardized procedure described in Section 2836.1,  
15 or protocol, the physician assistant who functions pursuant to  
16 Section 3502.1, the naturopathic doctor who functions pursuant  
17 to a standardized procedure or protocol described in Section  
18 3640.5, or the pharmacist who functions pursuant to a policy,  
19 procedure, or protocol pursuant to either Section 4052.1 or 4052.2  
20 orders otherwise, either the manufacturer's trade name of the drug  
21 or the generic name and the name of the manufacturer. Commonly  
22 used abbreviations may be used. Preparations containing two or  
23 more active ingredients may be identified by the manufacturer's  
24 trade name or the commonly used name or the principal active  
25 ingredients.

26 (2) The directions for the use of the drug.

27 (3) The name of the patient or patients.

28 (4) The name of the prescriber or, if applicable, the name of the  
29 certified nurse-midwife who functions pursuant to a standardized  
30 procedure or protocol described in Section 2746.51, the nurse  
31 practitioner who functions pursuant to a standardized procedure  
32 described in Section 2836.1, or protocol, the physician assistant  
33 who functions pursuant to Section 3502.1, the naturopathic doctor  
34 who functions pursuant to a standardized procedure or protocol  
35 described in Section 3640.5, or the pharmacist who functions  
36 pursuant to a policy, procedure, or protocol pursuant to either  
37 Section 4052.1 or 4052.2.

38 (5) The date of issue.

39 (6) The name and address of the pharmacy, and prescription  
40 number or other means of identifying the prescription.

1 (7) The strength of the drug or drugs dispensed.

2 (8) The quantity of the drug or drugs dispensed.

3 (9) The expiration date of the effectiveness of the drug  
4 dispensed.

5 (10) The condition for which the drug was prescribed if  
6 requested by the patient and the condition is indicated on the  
7 prescription.

8 (11) (A) Commencing January 1, 2006, the physical description  
9 of the dispensed medication, including its color, shape, and any  
10 identification code that appears on the tablets or capsules, except  
11 as follows:

12 (i) Prescriptions dispensed by a veterinarian.

13 (ii) An exemption from the requirements of this paragraph shall  
14 be granted to a new drug for the first 120 days that the drug is on  
15 the market and for the 90 days during which the national reference  
16 file has no description on file.

17 (iii) Dispensed medications for which no physical description  
18 exists in any commercially available database.

19 (B) This paragraph applies to outpatient pharmacies only.

20 (C) The information required by this paragraph may be printed  
21 on an auxiliary label that is affixed to the prescription container.

22 (D) This paragraph shall not become operative if the board,  
23 prior to January 1, 2006, adopts regulations that mandate the same  
24 labeling requirements set forth in this paragraph.

25 (b) If a pharmacist dispenses a prescribed drug by means of a  
26 unit dose medication system, as defined by administrative  
27 regulation, for a patient in a skilled nursing, intermediate care, or  
28 other health care facility, the requirements of this section will be  
29 satisfied if the unit dose medication system contains the  
30 aforementioned information or the information is otherwise readily  
31 available at the time of drug administration.

32 (c) If a pharmacist dispenses a dangerous drug or device in a  
33 facility licensed pursuant to Section 1250 of the Health and Safety  
34 Code, it is not necessary to include on individual unit dose  
35 containers for a specific patient, the name of the certified  
36 nurse-midwife who functions pursuant to a standardized procedure  
37 or protocol described in Section 2746.51, the nurse practitioner  
38 who functions pursuant to a standardized procedure described in  
39 Section 2836.1, or protocol, the physician assistant who functions  
40 pursuant to Section 3502.1, the naturopathic doctor who functions

1 pursuant to a standardized procedure or protocol described in  
2 Section 3640.5, or the pharmacist who functions pursuant to a  
3 policy, procedure, or protocol pursuant to either Section 4052.1  
4 or 4052.2.

5 (d) If a pharmacist dispenses a prescription drug for use in a  
6 facility licensed pursuant to Section 1250 of the Health and Safety  
7 Code, it is not necessary to include the information required in  
8 paragraph (11) of subdivision (a) when the prescription drug is  
9 administered to a patient by a person licensed under the Medical  
10 Practice Act (Chapter 5 (commencing with Section 2000)), the  
11 Nursing Practice Act (Chapter 6 (commencing with Section 2700)),  
12 or the Vocational Nursing Practice Act (Chapter 6.5 (commencing  
13 with Section 2840)), who is acting within his or her scope of  
14 practice.

15 *SEC. 49.5. Section 4076 of the Business and Professions Code*  
16 *is amended to read:*

17 4076. (a) A pharmacist shall not dispense any prescription  
18 except in a container that meets the requirements of state and  
19 federal law and is correctly labeled with all of the following:

20 (1) Except where the prescriber or the certified nurse-midwife  
21 who functions pursuant to a standardized procedure or protocol  
22 described in Section 2746.51, the nurse practitioner who functions  
23 pursuant to a standardized procedure described in Section 2836.1,  
24 or protocol, the physician assistant who functions pursuant to  
25 Section 3502.1, the naturopathic doctor who functions pursuant  
26 to a standardized procedure or protocol described in Section  
27 3640.5, or the pharmacist who functions pursuant to a policy,  
28 procedure, or protocol pursuant to either ~~subparagraph (D) of~~  
29 ~~paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph~~  
30 ~~(5) of, subdivision (a) of Section 4052~~ *Section 4052.1 or 4052.2*  
31 orders otherwise, either the manufacturer's trade name of the drug  
32 or the generic name and the name of the manufacturer. Commonly  
33 used abbreviations may be used. Preparations containing two or  
34 more active ingredients may be identified by the manufacturer's  
35 trade name or the commonly used name or the principal active  
36 ingredients.

37 (2) The directions for the use of the drug.

38 (3) The name of the patient or patients.

39 (4) The name of the prescriber or, if applicable, the name of the  
40 certified nurse-midwife who functions pursuant to a standardized

1 procedure or protocol described in Section 2746.51, the nurse  
2 practitioner who functions pursuant to a standardized procedure  
3 described in Section 2836.1, or protocol, the physician assistant  
4 who functions pursuant to Section 3502.1, the naturopathic doctor  
5 who functions pursuant to a standardized procedure or protocol  
6 described in Section 3640.5, or the pharmacist who functions  
7 pursuant to a policy, procedure, or protocol pursuant to either  
8 ~~subparagraph (D) of paragraph (4) of, or clause (iv) of~~  
9 ~~subparagraph (A) of paragraph (5) of, subdivision (a) of Section~~  
10 ~~4052 Section 4052.1 or 4052.2.~~

11 (5) The date of issue.

12 (6) The name and address of the pharmacy, and prescription  
13 number or other means of identifying the prescription.

14 (7) The strength of the drug or drugs dispensed.

15 (8) The quantity of the drug or drugs dispensed.

16 (9) The expiration date of the effectiveness of the drug  
17 dispensed.

18 (10) The condition *or purpose* for which the drug was prescribed  
19 ~~if requested by the patient and~~ the condition *or purpose* is indicated  
20 on the prescription.

21 (11) (A) Commencing January 1, 2006, the physical description  
22 of the dispensed medication, including its color, shape, and any  
23 identification code that appears on the tablets or capsules, except  
24 as follows:

25 (i) Prescriptions dispensed by a veterinarian.

26 (ii) An exemption from the requirements of this paragraph shall  
27 be granted to a new drug for the first 120 days that the drug is on  
28 the market and for the 90 days during which the national reference  
29 file has no description on file.

30 (iii) Dispensed medications for which no physical description  
31 exists in any commercially available database.

32 (B) This paragraph applies to outpatient pharmacies only.

33 (C) The information required by this paragraph may be printed  
34 on an auxiliary label that is affixed to the prescription container.

35 (D) This paragraph shall not become operative if the board,  
36 prior to January 1, 2006, adopts regulations that mandate the same  
37 labeling requirements set forth in this paragraph.

38 (b) If a pharmacist dispenses a prescribed drug by means of a  
39 unit dose medication system, as defined by administrative  
40 regulation, for a patient in a skilled nursing, intermediate care, or

1 other health care facility, the requirements of this section will be  
2 satisfied if the unit dose medication system contains the  
3 aforementioned information or the information is otherwise readily  
4 available at the time of drug administration.

5 (c) If a pharmacist dispenses a dangerous drug or device in a  
6 facility licensed pursuant to Section 1250 of the Health and Safety  
7 Code, it is not necessary to include on individual unit dose  
8 containers for a specific patient, the name of the certified  
9 nurse-midwife who functions pursuant to a standardized procedure  
10 or protocol described in Section 2746.51, the nurse practitioner  
11 who functions pursuant to a standardized procedure described in  
12 Section 2836.1, or protocol, the physician assistant who functions  
13 pursuant to Section 3502.1, the naturopathic doctor who functions  
14 pursuant to a standardized procedure or protocol described in  
15 Section 3640.5, or the pharmacist who functions pursuant to a  
16 policy, procedure, or protocol pursuant to either subparagraph (D)  
17 of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph  
18 (5) of, subdivision (a) of Section 4052.1 or 4052.2.

19 (d) If a pharmacist dispenses a prescription drug for use in a  
20 facility licensed pursuant to Section 1250 of the Health and Safety  
21 Code, it is not necessary to include the information required in  
22 paragraph (11) of subdivision (a) when the prescription drug is  
23 administered to a patient by a person licensed under the Medical  
24 Practice Act (Chapter 5 (commencing with Section 2000)), the  
25 Nursing Practice Act (Chapter 6 (commencing with Section 2700)),  
26 or the Vocational Nursing Practice Act (Chapter 6.5 (commencing  
27 with Section 2840)), who is acting within his or her scope of  
28 practice.

29 ~~SEC. 51.~~

30 *SEC. 50.* Section 4081 of the Business and Professions Code  
31 is amended to read:

32 4081. (a) All records of manufacture and of sale, acquisition,  
33 or disposition of dangerous drugs or dangerous devices shall be  
34 at all times during business hours open to inspection by authorized  
35 officers of the law, and shall be preserved for at least three years  
36 from the date of making. A current inventory shall be kept by every  
37 manufacturer, wholesaler, pharmacy, veterinary food-animal drug  
38 retailer, physician, dentist, podiatrist, veterinarian, laboratory,  
39 clinic, hospital, institution, or establishment holding a currently  
40 valid and unrevoked certificate, license, permit, registration, or

1 exemption under Division 2 (commencing with Section 1200) of  
2 the Health and Safety Code or under Part 4 (commencing with  
3 Section 16000) of Division 9 of the Welfare and Institutions Code  
4 who maintains a stock of dangerous drugs or dangerous devices.

5 (b) The owner, officer, and partner of a pharmacy, wholesaler,  
6 or veterinary food-animal drug retailer shall be jointly responsible,  
7 with the pharmacist-in-charge or designated  
8 representative-in-charge, for maintaining the records and inventory  
9 described in this section.

10 (c) The pharmacist-in-charge or designated  
11 representative-in-charge shall not be criminally responsible for  
12 acts of the owner, officer, partner, or employee that violate this  
13 section and of which the pharmacist-in-charge or designated  
14 representative-in-charge had no knowledge, or in which he or she  
15 did not knowingly participate.

16 ~~SEC. 52.~~

17 *SEC. 51.* Section 4110 of the Business and Professions Code  
18 is amended to read:

19 4110. (a) No person shall conduct a pharmacy in the State of  
20 California unless he or she has obtained a license from the board.  
21 A license shall be required for each pharmacy owned or operated  
22 by a specific person. A separate license shall be required for each  
23 of the premises of any person operating a pharmacy in more than  
24 one location. The license shall be renewed annually. The board  
25 may, by regulation, determine the circumstances under which a  
26 license may be transferred.

27 (b) The board may, at its discretion, issue a temporary permit,  
28 when the ownership of a pharmacy is transferred from one person  
29 to another, upon the conditions and for any periods of time as the  
30 board determines to be in the public interest. A temporary permit  
31 fee shall be established by the board at an amount not to exceed  
32 the annual fee for renewal of a permit to conduct a pharmacy.  
33 When needed to protect public safety, a temporary permit may be  
34 issued for a period not to exceed 180 days, and may be issued  
35 subject to terms and conditions the board deems necessary. If the  
36 board determines a temporary permit was issued by mistake or  
37 denies the application for a permanent license or registration, the  
38 temporary license or registration shall terminate upon either  
39 personal service of the notice of termination upon the permitholder  
40 or service by certified mail, return receipt requested, at the

1 permitholder's address of record with the board, whichever comes  
2 first. Neither for purposes of retaining a temporary permit nor for  
3 purposes of any disciplinary or license denial proceeding before  
4 the board shall the temporary permitholder be deemed to have a  
5 vested property right or interest in the permit.

6 (c) The board may allow the temporary use of a mobile  
7 pharmacy when a pharmacy is destroyed or damaged, the mobile  
8 pharmacy is necessary to protect the health and safety of the public,  
9 and the following conditions are met:

10 (1) The mobile pharmacy shall provide services only on or  
11 immediately contiguous to the site of the damaged or destroyed  
12 pharmacy.

13 (2) The mobile pharmacy is under the control and management  
14 of the pharmacist-in-charge of the pharmacy that was destroyed  
15 or damaged.

16 (3) A licensed pharmacist is on the premises while drugs are  
17 being dispensed.

18 (4) Reasonable security measures are taken to safeguard the  
19 drug supply maintained in the mobile pharmacy.

20 (5) The pharmacy operating the mobile pharmacy provides the  
21 board with records of the destruction ~~or damage of~~ of, or damage  
22 to, the pharmacy and an expected restoration date.

23 (6) Within three calendar days of restoration of the pharmacy  
24 services, the board is provided with notice of the restoration of the  
25 permanent pharmacy.

26 (7) The mobile pharmacy is not operated for more than 48 hours  
27 following the restoration of the permanent pharmacy.

28 *SEC. 51.5. Section 4110 of the Business and Professions Code*  
29 *is amended to read:*

30 4110. (a) No person shall conduct a pharmacy in the State of  
31 California unless he or she has obtained a license from the board.  
32 A license shall be required for each pharmacy owned or operated  
33 by a specific person. A separate license shall be required for each  
34 of the premises of any person operating a pharmacy in more than  
35 one location. The license shall be renewed annually. The board  
36 may, by regulation, determine the circumstances under which a  
37 license may be transferred.

38 (b) The board may, at its discretion, issue a temporary permit,  
39 when the ownership of a pharmacy is transferred from one person  
40 to another, upon the conditions and for any periods of time as the

1 board determines to be in the public interest. A temporary permit  
2 fee shall be *required in an amount* established by the board ~~at an~~  
3 ~~amount not to exceed the annual fee for renewal of a permit to~~  
4 ~~conduct a pharmacy as specified in subdivision (a) of Section 4400.~~

5 When needed to protect public safety, a temporary permit may be  
6 issued for a period not to exceed 180 days, and may be issued  
7 subject to terms and conditions the board deems necessary. If the  
8 board determines a temporary permit was issued by mistake or  
9 denies the application for a permanent license or registration, the  
10 temporary license or registration shall terminate upon either  
11 personal service of the notice of termination upon the permitholder  
12 or service by certified mail, return receipt requested, at the  
13 permitholder's address of record with the board, whichever comes  
14 first. Neither for purposes of retaining a temporary permit nor for  
15 purposes of any disciplinary or license denial proceeding before  
16 the board shall the temporary permitholder be deemed to have a  
17 vested property right or interest in the permit.

18 *(c) The board may allow the temporary use of a mobile*  
19 *pharmacy when a pharmacy is destroyed or damaged, the mobile*  
20 *pharmacy is necessary to protect the health and safety of the public,*  
21 *and the following conditions are met:*

22 *(1) The mobile pharmacy shall provide services only on or*  
23 *immediately contiguous to the site of the damaged or destroyed*  
24 *pharmacy.*

25 *(2) The mobile pharmacy is under the control and management*  
26 *of the pharmacist-in-charge of the pharmacy that was destroyed*  
27 *or damaged.*

28 *(3) A licensed pharmacist is on the premises while drugs are*  
29 *being dispensed.*

30 *(4) Reasonable security measures are taken to safeguard the*  
31 *drug supply maintained in the mobile pharmacy.*

32 *(5) The pharmacy operating the mobile pharmacy provides the*  
33 *board with records of the destruction of, or damage to, the*  
34 *pharmacy and an expected restoration date.*

35 *(6) Within three calendar days of restoration of the pharmacy*  
36 *services, the board is provided with notice of the restoration of*  
37 *the permanent pharmacy.*

38 *(7) The mobile pharmacy is not operated for more than 48 hours*  
39 *following the restoration of the permanent pharmacy.*



~~SEC. 53.~~

*SEC. 52.* Section 4111 of the Business and Professions Code is amended to read:

4111. (a) Except as otherwise provided in subdivision (b), (d), or (e), the board shall not issue or renew a license to conduct a pharmacy to any of the following:

(1) A person or persons authorized to prescribe or write a prescription, as specified in Section 4040, in the State of California.

(2) A person or persons with whom a person or persons specified in paragraph (1) shares a community or other financial interest in the permit sought.

(3) Any corporation that is controlled by, or in which 10 percent or more of the stock is owned by a person or persons prohibited from pharmacy ownership by paragraph (1) or (2).

(b) Subdivision (a) shall not preclude the issuance of a permit for an inpatient hospital pharmacy to the owner of the hospital in which it is located.

(c) The board may require any information the board deems is reasonably necessary for the enforcement of this section.

(d) Subdivision (a) shall not preclude the issuance of a new or renewal license for a pharmacy to be owned or owned and operated by a person licensed on or before August 1, 1981, under the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and qualified on or before August 1, 1981, under subsection (d) of Section 1310 of Title XIII of the federal Public Health Service Act, as amended, whose ownership includes persons defined pursuant to paragraphs (1) and (2) of subdivision (a).

(e) Subdivision (a) shall not preclude the issuance of a new or renewal license for a pharmacy to be owned or owned and operated by a pharmacist authorized to issue a drug order pursuant to either Section 4052.1 or 4052.2.

~~SEC. 54.~~

*SEC. 53.* Section 4126.5 of the Business and Professions Code is amended to read:

4126.5. (a) A pharmacy may furnish dangerous drugs only to the following:

(1) A wholesaler owned or under common control by the wholesaler from whom the dangerous drug was acquired.

1 (2) The pharmaceutical manufacturer from whom the dangerous  
2 drug was acquired.

3 (3) A licensed wholesaler acting as a reverse distributor.

4 (4) Another pharmacy or wholesaler to alleviate a temporary  
5 shortage of a dangerous drug that could result in the denial of  
6 health care. A pharmacy furnishing dangerous drugs pursuant to  
7 this paragraph may only furnish a quantity sufficient to alleviate  
8 the temporary shortage.

9 (5) A patient or to another pharmacy pursuant to a prescription  
10 or as otherwise authorized by law.

11 (6) A health care provider that is not a pharmacy but that is  
12 authorized to purchase dangerous drugs.

13 (7) To another pharmacy under common control.

14 (b) Notwithstanding any other provision of law, a violation of  
15 this section may subject the person or persons who committed the  
16 violation to a fine not to exceed the amount specified in Section  
17 125.9 for each occurrence pursuant to a citation issued by the  
18 board.

19 (c) Amounts due from any person under this section on or after  
20 January 1, 2005, shall be offset as provided under Section 12419.5  
21 of the Government Code. Amounts received by the board under  
22 this section shall be deposited into the Pharmacy Board Contingent  
23 Fund.

24 (d) For purposes of this section, “common control” means the  
25 power to direct or cause the direction of the management and  
26 policies of another person whether by ownership, by voting rights,  
27 by contract, or by other means.

28 ~~SEC. 55.~~

29 *SEC. 54.* Section 4161 of the Business and Professions Code  
30 is amended to read:

31 4161. (a) A person located outside this state that (1) ships,  
32 sells, mails, or delivers dangerous drugs or dangerous devices into  
33 this state or (2) sells, brokers, or distributes dangerous drugs or  
34 devices within this state shall be considered a nonresident  
35 wholesaler.

36 (b) A nonresident wholesaler shall be licensed by the board  
37 prior to shipping, selling, mailing, or delivering dangerous drugs  
38 or dangerous devices to a site located in this state or selling,  
39 brokering, or distributing dangerous drugs or devices within this  
40 state.

1 (c) A separate license shall be required for each place of business  
2 owned or operated by a nonresident wholesaler from or through  
3 which dangerous drugs or dangerous devices are shipped, sold,  
4 mailed, or delivered to a site located in this state or sold, brokered,  
5 or distributed within this state. A license shall be renewed annually  
6 and shall not be transferable.

7 (d) The following information shall be reported, in writing, to  
8 the board at the time of initial application for licensure by a  
9 nonresident wholesaler, on renewal of a nonresident wholesaler  
10 license, or within 30 days of a change in that information:

11 (1) Its agent for service of process in this state.

12 (2) Its principal corporate officers, as specified by the board, if  
13 any.

14 (3) Its general partners, as specified by the board, if any.

15 (4) Its owners if the applicant is not a corporation or partnership.

16 (e) A report containing the information in subdivision (d) shall  
17 be made within 30 days of any change of ownership, office,  
18 corporate officer, or partner.

19 (f) A nonresident wholesaler shall comply with all directions  
20 and requests for information from the regulatory or licensing  
21 agency of the state in which it is licensed, as well as with all  
22 requests for information made by the board.

23 (g) A nonresident wholesaler shall maintain records of dangerous  
24 drugs and dangerous devices sold, traded, or transferred to persons  
25 in this state or within this state, so that the records are in a readily  
26 retrievable form.

27 (h) A nonresident wholesaler shall at all times maintain a valid,  
28 unexpired license, permit, or registration to conduct the business  
29 of the wholesaler in compliance with the laws of the state in which  
30 it is a resident. An application for a nonresident wholesaler license  
31 in this state shall include a license verification from the licensing  
32 authority in the applicant's state of residence.

33 (i) The board may not issue or renew a nonresident wholesaler  
34 license until the nonresident wholesaler identifies a designated  
35 representative-in-charge and notifies the board in writing of the  
36 identity and license number of the designated  
37 representative-in-charge.

38 (j) The designated representative-in-charge shall be responsible  
39 for the nonresident wholesaler's compliance with state and federal  
40 laws governing wholesalers. A nonresident wholesaler shall

1 identify and notify the board of a new designated  
2 representative-in-charge within 30 days of the date that the prior  
3 designated representative-in-charge ceases to be the designated  
4 representative-in-charge.

5 (k) The board may issue a temporary license, upon conditions  
6 and for periods of time as the board determines to be in the public  
7 interest. A temporary license fee shall be five hundred fifty dollars  
8 (\$550) or another amount established by the board not to exceed  
9 the annual fee for renewal of a license to compound injectable  
10 sterile drug products. When needed to protect public safety, a  
11 temporary license may be issued for a period not to exceed 180  
12 days, subject to terms and conditions that the board deems  
13 necessary. If the board determines that a temporary license was  
14 issued by mistake or denies the application for a permanent license,  
15 the temporary license shall terminate upon either personal service  
16 of the notice of termination upon the licenseholder or service by  
17 certified mail, return receipt requested, at the licenseholder's  
18 address of record with the board, whichever occurs first. Neither  
19 for purposes of retaining a temporary license, nor for purposes of  
20 any disciplinary or license denial proceeding before the board,  
21 shall the temporary licenseholder be deemed to have a vested  
22 property right or interest in the license.

23 (l) The registration fee shall be the fee specified in subdivision  
24 (f) of Section 4400.

25 ~~SEC. 56.~~

26 *SEC. 55.* Section 4174 of the Business and Professions Code  
27 is amended to read:

28 4174. Notwithstanding any other provision of law, a pharmacist  
29 may dispense drugs or devices upon the drug order of a nurse  
30 practitioner functioning pursuant to Section 2836.1 or a certified  
31 nurse-midwife functioning pursuant to Section 2746.51, a drug  
32 order of a physician assistant functioning pursuant to Section  
33 3502.1 or a naturopathic doctor functioning pursuant to Section  
34 3640.5, or the order of a pharmacist acting under Section 4052.1,  
35 4052.2, or 4052.3.

36 ~~SEC. 57.~~

37 *SEC. 56.* Section 4231 of the Business and Professions Code  
38 is amended to read:

39 4231. (a) The board shall not renew a pharmacist license unless  
40 the applicant submits proof satisfactory to the board that he or she

1 has successfully completed 30 hours of approved courses of  
2 continuing pharmacy education during the two years preceding  
3 the application for renewal.

4 (b) Notwithstanding subdivision (a), the board shall not require  
5 completion of continuing education for the first renewal of a  
6 pharmacist license.

7 (c) If an applicant for renewal of a pharmacist license submits  
8 the renewal application and payment of the renewal fee but does  
9 not submit proof satisfactory to the board that the licensee has  
10 completed 30 hours of continuing pharmacy education, the board  
11 shall not renew the license and shall issue the applicant an inactive  
12 pharmacist license. A licensee with an inactive pharmacist license  
13 issued pursuant to this section may obtain an active pharmacist  
14 license by paying the renewal fees due and submitting satisfactory  
15 proof to the board that the licensee has completed 30 hours of  
16 continuing pharmacy education.

17 (d) If, as part of an investigation or audit conducted by the board,  
18 a pharmacist fails to provide documentation substantiating the  
19 completion of continuing education as required in subdivision (a),  
20 the board shall cancel the active pharmacist license and issue an  
21 inactive pharmacist license in its place. A licensee with an inactive  
22 pharmacist license issued pursuant to this section may obtain an  
23 active pharmacist license by paying the renewal fees due and  
24 submitting satisfactory proof to the board that the licensee has  
25 completed 30 hours of continuing pharmacy education.

26 ~~SEC. 58:~~

27 *SEC. 57.* Section 4301 of the Business and Professions Code  
28 is amended to read:

29 4301. The board shall take action against any holder of a license  
30 who is guilty of unprofessional conduct or whose license has been  
31 procured by fraud or misrepresentation or issued by mistake.  
32 Unprofessional conduct shall include, but is not limited to, any of  
33 the following:

34 (a) Gross immorality.

35 (b) Incompetence.

36 (c) Gross negligence.

37 (d) The clearly excessive furnishing of controlled substances  
38 in violation of subdivision (a) of Section 11153 of the Health and  
39 Safety Code.

(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining whether the furnishing of controlled substances is clearly excessive shall include, but not be limited to, the amount of controlled substances furnished, the previous ordering pattern of the customer (including size and frequency of orders), the type and size of the customer, and where and to whom the customer distributes its product.

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving away, or administering, or offering to sell, furnish, give away, or administer, any controlled substance to an addict.

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases,

1 the record of conviction shall be conclusive evidence only of the  
2 fact that the conviction occurred. The board may inquire into the  
3 circumstances surrounding the commission of the crime, in order  
4 to fix the degree of discipline or, in the case of a conviction not  
5 involving controlled substances or dangerous drugs, to determine  
6 if the conviction is of an offense substantially related to the  
7 qualifications, functions, and duties of a licensee under this chapter.  
8 A plea or verdict of guilty or a conviction following a plea of nolo  
9 contendere is deemed to be a conviction within the meaning of  
10 this provision. The board may take action when the time for appeal  
11 has elapsed, or the judgment of conviction has been affirmed on  
12 appeal or when an order granting probation is made suspending  
13 the imposition of sentence, irrespective of a subsequent order under  
14 Section 1203.4 of the Penal Code allowing the person to withdraw  
15 his or her plea of guilty and to enter a plea of not guilty, or setting  
16 aside the verdict of guilty, or dismissing the accusation,  
17 information, or indictment.

18 (m) The cash compromise of a charge of violation of Chapter  
19 13 (commencing with Section 801) of Title 21 of the United States  
20 Code regulating controlled substances or of Chapter 7  
21 (commencing with Section 14000) of Part 3 of Division 9 of the  
22 Welfare and Institutions Code relating to the Medi-Cal program.  
23 The record of the compromise is conclusive evidence of  
24 unprofessional conduct.

25 (n) The revocation, suspension, or other discipline by another  
26 state of a license to practice pharmacy, operate a pharmacy, or do  
27 any other act for which a license is required by this chapter.

28 (o) Violating or attempting to violate, directly or indirectly, or  
29 assisting in or abetting the violation of or conspiring to violate any  
30 provision or term of this chapter or of the applicable federal and  
31 state laws and regulations governing pharmacy, including  
32 regulations established by the board or by any other state or federal  
33 regulatory agency.

34 (p) Actions or conduct that would have warranted denial of a  
35 license.

36 (q) Engaging in any conduct that subverts or attempts to subvert  
37 an investigation of the board.

38 (r) The selling, trading, transferring, or furnishing of drugs  
39 obtained pursuant to Section 256b of Title 42 of the United States  
40 Code to any person a licensee knows or reasonably should have

1 known, not to be a patient of a covered entity, as defined in  
2 paragraph (4) of subsection (a) of Section 256b of Title 42 of the  
3 United States Code.

4 (s) The clearly excessive furnishing of dangerous drugs by a  
5 wholesaler to a pharmacy that primarily or solely dispenses  
6 prescription drugs to patients of long-term care facilities. Factors  
7 to be considered in determining whether the furnishing of  
8 dangerous drugs is clearly excessive shall include, but not be  
9 limited to, the amount of dangerous drugs furnished to a pharmacy  
10 that primarily or solely dispenses prescription drugs to patients of  
11 long-term care facilities, the previous ordering pattern of the  
12 pharmacy, and the general patient population to whom the  
13 pharmacy distributes the dangerous drugs. That a wholesaler has  
14 established, and employs, a tracking system that complies with  
15 the requirements of subdivision (b) of Section 4164 shall be  
16 considered in determining whether there has been a violation of  
17 this subdivision. This provision shall not be interpreted to require  
18 a wholesaler to obtain personal medical information or be  
19 authorized to permit a wholesaler to have access to personal  
20 medical information except as otherwise authorized by Section 56  
21 and following of the Civil Code. For purposes of this section,  
22 “long-term care facility” shall have the same meaning given the  
23 term in Section 1418 of the Health and Safety Code.

24 ~~SEC. 59.~~

25 *SEC. 58.* Section 4305 of the Business and Professions Code  
26 is amended to read:

27 4305. (a) Failure by any pharmacist to notify the board in  
28 writing that he or she has ceased to act as the pharmacist-in-charge  
29 of a pharmacy, or by any pharmacy to notify the board in writing  
30 that a pharmacist-in-charge is no longer acting in that capacity,  
31 within the 30-day period specified in Sections 4101 and 4113 shall  
32 constitute grounds for disciplinary action.

33 (b) Operation of a pharmacy for more than 30 days without  
34 supervision or management by a pharmacist-in-charge shall  
35 constitute grounds for disciplinary action.

36 (c) Any person who has obtained a license to conduct a  
37 pharmacy, who willfully fails to timely notify the board that the  
38 pharmacist-in-charge of the pharmacy has ceased to act in that  
39 capacity, and who continues to permit the compounding or  
40 dispensing of prescriptions, or the furnishing of drugs or poisons,



1 in his or her pharmacy, except by a pharmacist subject to the  
2 supervision and management of a responsible pharmacist-in-charge,  
3 shall be subject to summary suspension or revocation of his or her  
4 license to conduct a pharmacy.

5 ~~SEC. 60.~~

6 *SEC. 59.* Section 4329 of the Business and Professions Code  
7 is amended to read:

8 4329. Any nonpharmacist who takes charge of or acts as  
9 supervisor, manager, or pharmacist-in-charge of any pharmacy,  
10 or who compounds or dispenses a prescription or furnishes  
11 dangerous drugs except as otherwise provided in this chapter, is  
12 guilty of a misdemeanor.

13 ~~SEC. 61.~~

14 *SEC. 60.* Section 4330 of the Business and Professions Code  
15 is amended to read:

16 4330. (a) Any person who has obtained a license to conduct  
17 a pharmacy, who fails to place in charge of the pharmacy a  
18 pharmacist, or any person, who by himself or herself, or by any  
19 other person, permits the compounding or dispensing of  
20 prescriptions, or the furnishing of dangerous drugs, in his or her  
21 pharmacy, except by a pharmacist, or as otherwise provided in this  
22 chapter, is guilty of a misdemeanor.

23 (b) Any pharmacy owner who commits any act that would  
24 subvert or tend to subvert the efforts of the pharmacist-in-charge  
25 to comply with the laws governing the operation of the pharmacy  
26 is guilty of a misdemeanor.

27 ~~SEC. 62.~~

28 *SEC. 61.* Section 4857 of the Business and Professions Code  
29 is amended to read:

30 4857. (a) A veterinarian licensed under the provisions of this  
31 chapter shall not disclose any information concerning an animal  
32 receiving veterinary services, the client responsible for the animal  
33 receiving veterinary services, or the veterinary care provided to  
34 an animal, except under any one of the following circumstances:

35 (1) Upon written or witnessed oral authorization by knowing  
36 and informed consent of the client responsible for the animal  
37 receiving services or an authorized agent of the client.

38 (2) Upon authorization received by electronic transmission when  
39 originated by the client responsible for the animal receiving  
40 services or an authorized agent of the client.

1 (3) In response to a valid court order or subpoena.

2 (4) As may be required to ensure compliance with any federal,  
3 state, county, or city law or regulation, including, but not limited  
4 to, the California Public Records Act (Chapter 3.5 (commencing  
5 with Section 6250) of Division 7 of Title 1 of the Government  
6 Code).

7 (5) Nothing in this section is intended to prevent the sharing of  
8 veterinary medical information between veterinarians or facilities  
9 for the purpose of diagnosis or treatment of the animal who is the  
10 subject of the medical records.

11 (6) As otherwise provided in this section.

12 (b) This section shall not apply to the extent that the client  
13 responsible for an animal or an authorized agent of the client  
14 responsible for the animal has filed or caused to be filed a civil or  
15 criminal complaint that places the veterinarian's care and treatment  
16 of the animal or the nature and extent of the injuries to the animal  
17 at issue, or when the veterinarian is acting to comply with federal,  
18 state, county, or city laws or regulations.

19 (c) A veterinarian shall be subject to the criminal penalties set  
20 forth in Section 4831 or any other provision of this code for a  
21 violation of this section. In addition, any veterinarian who  
22 negligently releases confidential information shall be liable in a  
23 civil action for any damages caused by the release of that  
24 information.

25 (d) Nothing in this section is intended to prevent the sharing of  
26 veterinary medical information between veterinarians and peace  
27 officers, humane society officers, or animal control officers who  
28 are acting to protect the welfare of animals.

29 ~~SEC. 63.~~

30 *SEC. 62.* Section 4980.04 is added to the Business and  
31 Professions Code, to read:

32 4980.04. This chapter shall be known and may be cited as the  
33 Marriage and Family Therapist Act.

34 ~~SEC. 64.~~

35 *SEC. 63.* Section 4980.30 of the Business and Professions Code  
36 is amended to read:

37 4980.30. Except as otherwise provided herein, a person desiring  
38 to practice and to advertise the performance of marriage and family  
39 therapy services shall apply to the board for a license, pay the

1 license fee required by this chapter, and obtain a license from the  
2 board.

3 ~~SEC. 65. Section 4980.43 of the Business and Professions~~  
4 ~~Code is amended to read:~~

5 ~~4980.43. (a) Prior to applying for licensure examinations, each~~  
6 ~~applicant shall complete experience that shall comply with the~~  
7 ~~following:~~

8 ~~(1) A minimum of 3,000 hours completed during a period of at~~  
9 ~~least 104 weeks.~~

10 ~~(2) Not more than 40 hours in any seven consecutive days.~~

11 ~~(3) Not less than 1,700 hours of supervised experience~~  
12 ~~completed subsequent to the granting of the qualifying master's~~  
13 ~~or doctor's degree.~~

14 ~~(4) Not more than 1,300 hours of experience obtained prior to~~  
15 ~~completing a master's or doctor's degree. This experience shall~~  
16 ~~be composed as follows:~~

17 ~~(A) Not more than 750 hours of counseling and direct supervisor~~  
18 ~~contact.~~

19 ~~(B) Not more than 250 hours of professional enrichment~~  
20 ~~activities, excluding personal psychotherapy as described in~~  
21 ~~paragraph (2) of subdivision (l).~~

22 ~~(C) Not more than 100 hours of personal psychotherapy as~~  
23 ~~described in paragraph (2) of subdivision (l). The applicant shall~~  
24 ~~be credited for three hours of experience for each hour of personal~~  
25 ~~psychotherapy.~~

26 ~~(5) No hours of experience may be gained prior to completing~~  
27 ~~either 12 semester units or 18 quarter units of graduate instruction~~  
28 ~~and becoming a trainee except for personal psychotherapy.~~

29 ~~(6) No hours of experience gained more than six years prior to~~  
30 ~~the date the application for examination eligibility was filed, except~~  
31 ~~that up to 500 hours of clinical experience gained in the supervised~~  
32 ~~practicum required by subdivision (b) of Section 4980.40 shall be~~  
33 ~~exempt from this six-year requirement.~~

34 ~~(7) Not more than a total of 1,000 hours of experience for direct~~  
35 ~~supervisor contact and professional enrichment activities.~~

36 ~~(8) Not more than 500 hours of experience providing group~~  
37 ~~therapy or group counseling.~~

38 ~~(9) Not more than 250 hours of postdegree experience~~  
39 ~~administering and evaluating psychological tests of counselees;~~

1 writing clinical reports, writing progress notes, or writing process  
2 notes.

3 ~~(10) Not more than 250 hours of experience providing~~  
4 ~~counseling or crisis counseling on the telephone.~~

5 ~~(11) Not less than 500 total hours of experience in diagnosing~~  
6 ~~and treating couples, families, and children.~~

7 ~~(12) Not more than 125 hours of experience providing personal~~  
8 ~~psychotherapy services via telemedicine in accordance with Section~~  
9 ~~2290.5.~~

10 ~~(b) All applicants, trainees, and registrants shall be at all times~~  
11 ~~under the supervision of a supervisor who shall be responsible for~~  
12 ~~ensuring that the extent, kind, and quality of counseling performed~~  
13 ~~is consistent with the training and experience of the person being~~  
14 ~~supervised, and who shall be responsible to the board for~~  
15 ~~compliance with all laws, rules, and regulations governing the~~  
16 ~~practice of marriage and family therapy. Supervised experience~~  
17 ~~shall be gained by interns and trainees either as an employee or as~~  
18 ~~a volunteer. The requirements of this chapter regarding gaining~~  
19 ~~hours of experience and supervision are applicable equally to~~  
20 ~~employees and volunteers. Experience shall not be gained by~~  
21 ~~interns or trainees as an independent contractor.~~

22 ~~(c) Supervision shall include at least one hour of direct~~  
23 ~~supervisor contact in each week for which experience is credited~~  
24 ~~in each work setting, as specified:~~

25 ~~(1) A trainee shall receive an average of at least one hour of~~  
26 ~~direct supervisor contact for every five hours of client contact in~~  
27 ~~each setting.~~

28 ~~(2) Each individual supervised after being granted a qualifying~~  
29 ~~degree shall receive an average of at least one hour of direct~~  
30 ~~supervisor contact for every 10 hours of client contact in each~~  
31 ~~setting in which experience is gained.~~

32 ~~(3) For purposes of this section, “one hour of direct supervisor~~  
33 ~~contact” means one hour of face-to-face contact on an individual~~  
34 ~~basis or two hours of face-to-face contact in a group of not more~~  
35 ~~than eight persons.~~

36 ~~(4) All experience gained by a trainee shall be monitored by the~~  
37 ~~supervisor as specified by regulation. The 5-to-1 and 10-to-1 ratios~~  
38 ~~specified in this subdivision shall be applicable to all hours gained~~  
39 ~~on or after January 1, 1995.~~

1     ~~(d) (1) A trainee may be credited with supervised experience~~  
2 ~~completed in any setting that meets all of the following:~~

3     ~~(A) Lawfully and regularly provides mental health counseling~~  
4 ~~or psychotherapy.~~

5     ~~(B) Provides oversight to ensure that the trainee's work at the~~  
6 ~~setting meets the experience and supervision requirements set forth~~  
7 ~~in this chapter and is within the scope of practice for the profession~~  
8 ~~as defined in Section 4980.02.~~

9     ~~(C) Is not a private practice owned by a licensed marriage and~~  
10 ~~family therapist, a licensed psychologist, a licensed clinical social~~  
11 ~~worker, a licensed physician and surgeon, or a professional~~  
12 ~~corporation of any of those licensed professions.~~

13     ~~(2) Experience may be gained by the trainee solely as part of~~  
14 ~~the position for which the trainee volunteers or is employed.~~

15     ~~(e) (1) An intern may be credited with supervised experience~~  
16 ~~completed in any setting that meets both of the following:~~

17     ~~(A) Lawfully and regularly provides mental health counseling~~  
18 ~~or psychotherapy.~~

19     ~~(B) Provides oversight to ensure that the intern's work at the~~  
20 ~~setting meets the experience and supervision requirements set forth~~  
21 ~~in this chapter and is within the scope of practice for the profession~~  
22 ~~as defined in Section 4980.02.~~

23     ~~(2) An applicant shall not be employed or volunteer in a private~~  
24 ~~practice, as defined in subparagraph (C) of paragraph (1) of~~  
25 ~~subdivision (d), until registered as an intern.~~

26     ~~(3) While an intern may be either a paid employee or a~~  
27 ~~volunteer, employers are encouraged to provide fair remuneration~~  
28 ~~to interns.~~

29     ~~(4) Except for periods of time during a supervisor's vacation or~~  
30 ~~sick leave, an intern who is employed or volunteering in private~~  
31 ~~practice shall be under the direct supervision of a licensee that has~~  
32 ~~satisfied the requirements of subdivision (g) of Section 4980.03.~~  
33 ~~The supervising licensee shall either be employed by and practice~~  
34 ~~at the same site as the intern's employer, or shall be an owner or~~  
35 ~~shareholder of the private practice. Alternative supervision may~~  
36 ~~be arranged during a supervisor's vacation or sick leave if the~~  
37 ~~supervision meets the requirements of this section.~~

38     ~~(5) Experience may be gained by the intern solely as part of the~~  
39 ~~position for which the intern volunteers or is employed.~~

~~(f) Except as provided in subdivision (g), all persons shall register with the board as an intern in order to be credited for postdegree hours of supervised experience gained toward licensure.~~

~~(g) Except when employed in a private practice setting, all postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctor's degree and is thereafter granted the intern registration by the board.~~

~~(h) Trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.~~

~~(i) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. Trainees and interns shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment or supplies, or in any other way pay for the obligations of their employers.~~

~~(j) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.~~

~~(k) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational~~

1 institution and supervisors are encouraged to assist the applicant  
2 in locating that counseling or psychotherapy at a reasonable cost.

3 (f) For purposes of this chapter, “professional enrichment  
4 activities” includes the following:

5 (1) Workshops, seminars, training sessions, or conferences  
6 directly related to marriage and family therapy attended by the  
7 applicant that are approved by the applicant’s supervisor.

8 (2) Participation by the applicant in personal psychotherapy  
9 which includes group, marital or conjoint, family, or individual  
10 psychotherapy by an appropriately licensed professional.

11 ~~SEC. 66.~~

12 *SEC. 64.* Section 4981 of the Business and Professions Code  
13 is repealed.

14 ~~SEC. 67.~~

15 *SEC. 65.* Section 4990.09 is added to the Business and  
16 Professions Code, to read:

17 4990.09. The board shall not publish on the Internet the final  
18 determination of a citation and fine of one thousand five hundred  
19 dollars (\$1,500) or less issued against a licensee or registrant  
20 pursuant to Section 125.9 for a period of time in excess of five  
21 years from the date of issuance of the citation.

22 ~~SEC. 68.~~

23 *SEC. 66.* Section 4994.1 of the Business and Professions Code  
24 is repealed.

25 ~~SEC. 69.~~

26 *SEC. 67.* Section 4996.2 of the Business and Professions Code  
27 is amended to read:

28 4996.2. Each applicant shall furnish evidence satisfactory to  
29 the board that he or she complies with all of the following  
30 requirements:

31 (a) Is at least 21 years of age.

32 (b) Has received a master’s degree from an accredited school  
33 of social work.

34 (c) Has had two years of supervised post-master’s degree  
35 experience, as specified in Section 4996.23.

36 (d) Has not committed any crimes or acts constituting grounds  
37 for denial of licensure under Section 480. The board shall not issue  
38 a registration or license to any person who has been convicted of  
39 any crime in this or another state or in a territory of the United  
40 States that involves sexual abuse of children or who is required to

1 register pursuant to Section 290 of the Penal Code or the equivalent  
2 in another state or territory.

3 (e) Has completed adequate instruction and training in the  
4 subject of alcoholism and other chemical substance dependency.  
5 This requirement applies only to applicants who matriculate on or  
6 after January 1, 1986.

7 (f) Has completed instruction and training in spousal or partner  
8 abuse assessment, detection, and intervention. This requirement  
9 applies to an applicant who began graduate training during the  
10 period commencing on January 1, 1995, and ending on December  
11 31, 2003. An applicant who began graduate training on or after  
12 January 1, 2004, shall complete a minimum of 15 contact hours  
13 of coursework in spousal or partner abuse assessment, detection,  
14 and intervention strategies, including knowledge of community  
15 resources, cultural factors, and same gender abuse dynamics.  
16 Coursework required under this subdivision may be satisfactory  
17 if taken either in fulfillment of other educational requirements for  
18 licensure or in a separate course. This requirement for coursework  
19 shall be satisfied by, and the board shall accept in satisfaction of  
20 the requirement, a certification from the chief academic officer of  
21 the educational institution from which the applicant graduated that  
22 the required coursework is included within the institution's required  
23 curriculum for graduation.

24 (g) Has completed a minimum of 10 contact hours of training  
25 or coursework in human sexuality as specified in Section 1807 of  
26 Title 16 of the California Code of Regulations. This training or  
27 coursework may be satisfactory if taken either in fulfillment of  
28 other educational requirements for licensure or in a separate course.

29 (h) Has completed a minimum of seven contact hours of training  
30 or coursework in child abuse assessment and reporting as specified  
31 in Section 1807.2 of Title 16 of the California Code of Regulations.  
32 This training or coursework may be satisfactory if taken either in  
33 fulfillment of other educational requirements for licensure or in a  
34 separate course.

35 ~~SEC. 70.~~

36 *SEC. 68.* Section 4996.17 of the Business and Professions Code  
37 is amended to read:

38 4996.17. (a) Experience gained outside of California shall be  
39 accepted toward the licensure requirements if it is substantially  
40 the equivalent of the requirements of this chapter.



(b) The board may issue a license to any person who, at the time of application, holds a valid active clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes the board administered licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than 3,200 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(4) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

1 (5) The applicant shall provide a certification from each state  
2 where he or she holds a license pertaining to licensure, disciplinary  
3 action, and complaints pending.

4 (6) The applicant is not subject to denial of licensure under  
5 Section 480, 4992.3, 4992.35, or 4992.36.

6 (c) The board may issue a license to any person who, at the time  
7 of application, has held a valid, active clinical social work license  
8 for a minimum of four years, issued by a board of clinical social  
9 work examiners or a corresponding authority of any state, if the  
10 person passes the board administered licensing examinations as  
11 specified in Section 4996.1 and pays the required fees. Issuance  
12 of the license is conditioned upon all of the following:

13 (1) Completion of the following coursework or training in or  
14 out of state:

15 (A) A minimum of seven contact hours of training or coursework  
16 in child abuse assessment and reporting as specified in Section 28,  
17 and any regulations promulgated thereunder.

18 (B) A minimum of 10 contact hours of training or coursework  
19 in human sexuality as specified in Section 25, and any regulations  
20 promulgated thereunder.

21 (C) A minimum of 15 contact hours of training or coursework  
22 in alcoholism and other chemical substance dependency, as  
23 specified by regulation.

24 (D) A minimum of 15 contact hours of coursework or training  
25 in spousal or partner abuse assessment, detection, and intervention  
26 strategies.

27 (2) The applicant has been licensed as a clinical social worker  
28 continuously for a minimum of four years prior to the date of  
29 application.

30 (3) The applicant's license is not suspended, revoked, restricted,  
31 sanctioned, or voluntarily surrendered in any state.

32 (4) The applicant is not currently under investigation in any  
33 other state, and has not been charged with an offense for any act  
34 substantially related to the practice of social work by any public  
35 agency, entered into any consent agreement or been subject to an  
36 administrative decision that contains conditions placed by an  
37 agency upon an applicant's professional conduct or practice,  
38 including any voluntary surrender of license, or been the subject  
39 of an adverse judgment resulting from the practice of social work

1 that the board determines constitutes evidence of a pattern of  
2 incompetence or negligence.

3 (5) The applicant provides a certification from each state where  
4 he or she holds a license pertaining to licensure, disciplinary action,  
5 and complaints pending.

6 (6) The applicant is not subject to denial of licensure under  
7 Section 480, 4992.3, 4992.35, or 4992.36.

8 ~~SEC. 71.~~

9 *SEC. 69.* Section 4996.18 of the Business and Professions Code  
10 is amended to read:

11 4996.18. (a) A person who wishes to be credited with  
12 experience toward licensure requirements shall register with the  
13 board as an associate clinical social worker prior to obtaining that  
14 experience. The application shall be made on a form prescribed  
15 by the board.

16 (b) An applicant for registration shall satisfy the following  
17 requirements:

18 (1) Possess a master's degree from an accredited school or  
19 department of social work.

20 (2) Have committed no crimes or acts constituting grounds for  
21 denial of licensure under Section 480.

22 (c) An applicant who possesses a master's degree from a school  
23 or department of social work that is a candidate for accreditation  
24 by the Commission on Accreditation of the Council on Social  
25 Work Education shall be eligible, and shall be required, to register  
26 as an associate clinical social worker in order to gain experience  
27 toward licensure if the applicant has not committed any crimes or  
28 acts that constitute grounds for denial of licensure under Section  
29 480. That applicant shall not, however, be eligible for examination  
30 until the school or department of social work has received  
31 accreditation by the Commission on Accreditation of the Council  
32 on Social Work Education.

33 (d) Any experience obtained under the supervision of a spouse  
34 or relative by blood or marriage shall not be credited toward the  
35 required hours of supervised experience. Any experience obtained  
36 under the supervision of a supervisor with whom the applicant has  
37 a personal relationship that undermines the authority or  
38 effectiveness of the supervision shall not be credited toward the  
39 required hours of supervised experience.

(e) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(f) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

(g) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.

(h) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

~~SEC. 72.~~

~~SEC. 70.~~ Section 4996.20 of the Business and Professions Code is repealed.

~~SEC. 73.~~

~~SEC. 71.~~ Section 4996.21 of the Business and Professions Code is repealed.

~~SEC. 74.~~

~~SEC. 72.~~ Section 5801 of the Business and Professions Code is amended to read:

1 5801. A certified interior designer may obtain a stamp from  
2 an interior design organization that shall include a number that  
3 uniquely identifies and bears the name of that certified interior  
4 designer. The stamp certifies that the interior designer has provided  
5 the interior design organization with evidence of passage of an  
6 interior design examination approved by that interior design  
7 organization and any of the following:

8 (a) He or she is a graduate of a four- or five-year accredited  
9 interior design degree program, and has two years of diversified  
10 interior design experience.

11 (b) He or she has completed a three-year accredited interior  
12 design certificate program, and has completed three years of  
13 diversified interior design experience.

14 (c) He or she has completed a two-year accredited interior design  
15 program and has completed four years of diversified interior design  
16 experience.

17 (d) He or she has at least eight years of interior design education,  
18 or at least eight years of diversified interior design experience, or  
19 a combination of interior design education and diversified interior  
20 design experience that together total at least eight years.

21 ~~SEC. 75.~~

22 *SEC. 73.* Section 6534 of the Business and Professions Code  
23 is amended to read:

24 6534. (a) The bureau shall maintain the following information  
25 in each licensee's file, shall make this information available to a  
26 court for any purpose, including the determination of the  
27 appropriateness of appointing or continuing the appointment of,  
28 or removing, the licensee as a conservator, guardian, trustee, or  
29 personal representative, and shall otherwise keep this information  
30 confidential, except as provided in subdivisions (b) and (c) of this  
31 section:

32 (1) The names of the licensee's current conservatees or wards  
33 and the trusts or estates currently administered by the licensee.

34 (2) The aggregate dollar value of all assets currently under the  
35 licensee's supervision as a professional fiduciary.

36 (3) The licensee's current addresses and telephone numbers for  
37 his or her place of business and place of residence.

38 (4) Whether the licensee has ever been removed for cause as a  
39 conservator, guardian, trustee, or personal representative or has  
40 ever resigned as a conservator, guardian, trustee, or personal

1 representative in a specific case, the circumstances causing that  
2 removal or resignation, and the case names, court locations, and  
3 case numbers associated with the removal or resignation.

4 (5) The case names, court locations, and case numbers of all  
5 conservatorship, guardianship, or trust or other estate  
6 administration cases that are closed for which the licensee served  
7 as the conservator, guardian, trustee, or personal representative.

8 (6) Information regarding any discipline imposed upon the  
9 licensee by the bureau.

10 (7) Whether the licensee has filed for bankruptcy or held a  
11 controlling financial interest in a business that filed for bankruptcy  
12 in the last 10 years.

13 (b) The bureau shall make the information in paragraphs (2),  
14 (4), (6), and (7) of subdivision (a) available to the public.

15 (c) The bureau shall also publish information regarding licensees  
16 on the Internet as specified in Section 27. The information shall  
17 include, but shall not be limited to, information regarding license  
18 status and the information specified under subdivision (b).

19 ~~SEC. 76.~~

20 *SEC. 74.* Section 6536 of the Business and Professions Code  
21 is amended to read:

22 6536. The bureau shall review all applications for licensure  
23 and may investigate an applicant's qualifications for licensure.  
24 The bureau shall approve those applications that meet the  
25 requirements for licensure, but shall not issue a license to any  
26 applicant who meets any of the following criteria:

27 (a) Does not meet the qualifications for licensure under this  
28 chapter.

29 (b) Has been convicted of a crime substantially related to the  
30 qualifications, functions, or duties of a fiduciary.

31 (c) Has engaged in fraud or deceit in applying for a license under  
32 this chapter.

33 (d) Has engaged in dishonesty, fraud, or gross negligence in  
34 performing the functions or duties of a fiduciary, including  
35 engaging in such conduct prior to January 1, 2009.

36 (e) Has been removed as a fiduciary by a court for breach of  
37 trust committed intentionally, with gross negligence, in bad faith,  
38 or with reckless indifference, or has demonstrated a pattern of  
39 negligent conduct, including a removal prior to January 1, 2009,

1 and all appeals have been taken, or the time to file an appeal has  
2 expired.

3 ~~SEC. 77.~~

4 *SEC. 75.* Section 6561 of the Business and Professions Code  
5 is amended to read:

6 6561. (a) A licensee shall initially, and annually thereafter,  
7 file with the bureau a statement under penalty of perjury containing  
8 the following:

9 (1) Her or his business address, telephone number, and facsimile  
10 number.

11 (2) Whether or not he or she has been removed as a conservator,  
12 guardian, trustee, or personal representative for cause. The licensee  
13 may file an additional statement of the issues and facts pertaining  
14 to the case.

15 (3) The case names, court locations, and case numbers for all  
16 matters where the licensee has been appointed by the court.

17 (4) Whether he or she has been found by a court to have  
18 breached a fiduciary duty.

19 (5) Whether he or she has resigned or settled a matter in which  
20 a complaint has been filed, along with the case number and a  
21 statement of the issues and facts pertaining to the allegations.

22 (6) Any licenses or professional certificates held by the licensee.

23 (7) Any ownership or beneficial interests in any businesses or  
24 other enterprises held by the licensee or by a family member that  
25 receives or has received payments from a client of the licensee.

26 (8) Whether the licensee has filed for bankruptcy or held a  
27 controlling financial interest in a business that filed for bankruptcy  
28 in the last ten years.

29 (9) The name of any persons or entities that have an interest in  
30 the licensee's professional fiduciary business.

31 (10) Whether the licensee has been convicted of a crime.

32 (b) The statement by the licensee required by this section may  
33 be filed electronically with the bureau, in a form approved by the  
34 bureau. However, any additional statement filed under paragraph  
35 (2) of subdivision (a) shall be filed in writing.

36 ~~SEC. 78.~~

37 *SEC. 76.* Section 6761 of the Business and Professions Code  
38 is repealed.

1     ~~SEC. 79.~~

2     ~~SEC. 77.~~ Section 7616 of the Business and Professions Code  
3 is amended to read:

4     7616. (a) A licensed funeral establishment is a place of  
5 business conducted in a building or separate portion of a building  
6 having a specific street address or location and devoted exclusively  
7 to those activities as are incident, convenient, or related to the  
8 preparation and arrangements, financial and otherwise, for the  
9 funeral, transportation, burial or other disposition of human remains  
10 and including, but not limited to, either of the following:

11     (1) A suitable room for the storage of human remains.

12     (2) A preparation room equipped with a sanitary flooring and  
13 necessary drainage and ventilation and containing necessary  
14 instruments and supplies for the preparation, sanitation, or  
15 embalming of human remains for burial or transportation.

16     (b) Licensed funeral establishments under common ownership  
17 or by contractual agreement within close geographical proximity  
18 of each other shall be deemed to be in compliance with the  
19 requirements of paragraph (1) or (2) of subdivision (a) if at least  
20 one of the establishments has a room described in those paragraphs.

21     (c) Except as provided in Section 7609, and except accredited  
22 embalming schools and colleges engaged in teaching students the  
23 art of embalming, no person shall operate or maintain or hold  
24 himself or herself out as operating or maintaining any of the  
25 facilities specified in paragraph (2) of subdivision (a), unless he  
26 or she is licensed as a funeral director.

27     (d) Nothing in this section shall be construed to require a funeral  
28 establishment to conduct its business or financial transactions at  
29 the same location as its preparation or storage of human remains.

30     (e) Nothing in this chapter shall be deemed to render unlawful  
31 the conduct of any ambulance service from the same premises as  
32 those on which a licensed funeral establishment is conducted,  
33 including the maintenance in connection with the funeral  
34 establishment of garages for the ambulances and living quarters  
35 for ambulance drivers.

36     ~~SEC. 77.5.~~ *Section 7616 of the Business and Professions Code*  
37 *is amended to read:*

38     7616. (a) A licensed funeral establishment is a place of  
39 business conducted in a building or separate portion of a building  
40 having a specific street address or location and devoted exclusively



1 to those activities as are incident, convenient, or related to the  
2 preparation and arrangements, financial and otherwise, for the  
3 funeral, transportation, burial or other disposition of human remains  
4 and including, but not limited to, either of the following:

5 (1) A suitable room for the storage of human remains.

6 (2) A preparation room equipped with a sanitary flooring and  
7 necessary drainage and ventilation and containing necessary  
8 instruments and supplies for the preparation, sanitation, or  
9 embalming of human remains for burial or transportation.

10 (b) Licensed funeral establishments under common ownership  
11 or by contractual agreement within close geographical proximity  
12 of each other shall be deemed to be in compliance with the  
13 requirements of paragraph (1) or (2) of subdivision (a) if at least  
14 one of the establishments has a room described in those paragraphs.

15 (c) Except as provided in Section 7609, and except accredited  
16 ~~embalming schools and colleges~~ *mortuary science programs*  
17 engaged in teaching students the art of embalming, no person shall  
18 operate or maintain or hold himself or herself out as operating or  
19 maintaining any of the facilities specified in paragraph (2) of  
20 subdivision (a), unless he or she is licensed as a funeral director.

21 (d) Nothing in this section shall be construed to require a funeral  
22 establishment to conduct its business or financial transactions at  
23 the same location as its preparation or storage of human remains.

24 (e) Nothing in this chapter shall be deemed to render unlawful  
25 the conduct of any ambulance service from the same premises as  
26 those on which a licensed funeral establishment is conducted,  
27 including the maintenance in connection with the funeral  
28 establishment of garages for the ambulances and living quarters  
29 for ambulance drivers.

30 ~~(f) Every funeral establishment holding a funeral director's~~  
31 ~~license on December 31, 1996, shall, upon application and payment~~  
32 ~~of fees for renewal of its funeral director's license, be issued a~~  
33 ~~funeral establishment license.~~

34 ~~SEC. 80.~~

35 *SEC. 78.* Section 7629 of the Business and Professions Code  
36 is amended to read:

37 7629. No funeral establishment shall be conducted or held forth  
38 as being conducted or advertised as being conducted under any  
39 name which might tend to mislead the public or which would be

1 sufficiently like the name of any other licensed funeral  
2 establishment so as to constitute an unfair method of competition.  
3 Any funeral director desiring to change the name appearing on  
4 his or her license may do so by applying to the bureau and paying  
5 the fee fixed by this chapter.

6 ~~SEC. 81.~~

7 *SEC. 79.* Section 8030.2 of the Business and Professions Code  
8 is amended to read:

9 8030.2. (a) To provide shorthand reporting services to  
10 low-income litigants in civil cases, who are unable to otherwise  
11 afford those services, funds generated by fees received by the board  
12 pursuant to subdivision (c) of Section 8031 in excess of funds  
13 needed to support the board's operating budget for the fiscal year  
14 in which a transfer described below is made shall be used by the  
15 board for the purpose of establishing and maintaining a Transcript  
16 Reimbursement Fund. The Transcript Reimbursement Fund shall  
17 be established by a transfer of funds from the Court Reporters'  
18 Fund in the amount of three hundred thousand dollars (\$300,000)  
19 at the beginning of each fiscal year. Notwithstanding any other  
20 provision of this article, a transfer to the Transcript Reimbursement  
21 Fund in excess of the fund balance established at the beginning of  
22 each fiscal year shall not be made by the board if the transfer will  
23 result in the reduction of the balance of the Court Reporters' Fund  
24 to an amount less than six months' operating budget.

25 (b) All moneys held in the Court Reporters' Fund on the  
26 effective date of this section in excess of the board's operating  
27 budget for the 1996–97 fiscal year shall be used as provided in  
28 subdivision (a).

29 (c) Refunds and unexpended funds that are anticipated to remain  
30 in the Transcript Reimbursement Fund at the end of the fiscal year  
31 shall be considered by the board in establishing the fee assessment  
32 pursuant to Section 8031 so that the assessment shall maintain the  
33 level of funding for the Transcript Reimbursement Fund, as  
34 specified in subdivision (a), in the following fiscal year.

35 (d) The Transcript Reimbursement Fund is hereby created in  
36 the State Treasury. Notwithstanding Section 13340 of the  
37 Government Code, moneys in the Transcript Reimbursement Fund  
38 are continuously appropriated for the purposes of this chapter.

39 (e) Applicants who have been reimbursed pursuant to this  
40 chapter for services provided to litigants and who are awarded

1 court costs or attorneys' fees by judgment or by settlement  
2 agreement shall refund the full amount of that reimbursement to  
3 the fund within 90 days of receipt of the award or settlement.

4 (f) Subject to the limitations of this chapter, the board shall  
5 maintain the fund at a level that is sufficient to pay all qualified  
6 claims. To accomplish this objective, the board shall utilize all  
7 refunds, unexpended funds, fees, and any other moneys received  
8 by the board.

9 (g) Notwithstanding Section 16346 of the Government Code,  
10 all unencumbered funds remaining in the Transcript  
11 Reimbursement Fund as of January 1, 2011, shall be transferred  
12 to the Court Reporters' Fund.

13 (h) This section shall remain in effect only until January 1, 2011,  
14 and as of that date is repealed, unless a later enacted statute, that  
15 is enacted before January 1, 2011, deletes or extends that date.

16 ~~SEC. 82.~~

17 *SEC. 80.* Section 8740 of the Business and Professions Code  
18 is amended to read:

19 8740. (a) An application for each division of the examination  
20 for a license as a land surveyor shall be made to the board on the  
21 form prescribed by it, with all statements therein made under oath,  
22 and shall be accompanied by the application fee fixed by this  
23 chapter.

24 (b) The board may authorize an organization specified by the  
25 board pursuant to Section 8745 to receive directly from applicants  
26 payment of the examination fees charged by that organization as  
27 payment for examination materials and services.

28 ~~SEC. 83.~~

29 *SEC. 81.* Section 8746 of the Business and Professions Code  
30 is amended to read:

31 8746. An applicant failing on examination, upon the payment  
32 of another application fee, may be examined again.

33 ~~SEC. 84.~~

34 *SEC. 82.* Section 9855.15 is added to the Business and  
35 Professions Code, to read:

36 9855.15. (a) Notwithstanding any other provision of law, a  
37 violation of Section 9855.1 is an infraction subject to the  
38 procedures described in Sections 19.6 and 19.7 of the Penal Code  
39 when either of the following applies:

1 (1) A complaint or a written notice to appear in court pursuant  
2 to Chapter 5C (commencing with Section 853.5) of Title 3 of Part  
3 2 of the Penal Code is filed in court charging the offense as an  
4 infraction unless the defendant, at the time he or she is arraigned,  
5 after being advised of his or her rights, elects to have the case  
6 proceed as a misdemeanor.

7 (2) The court, with the consent of the defendant and the  
8 prosecution, determines that the offense is an infraction in which  
9 event the case shall proceed as if the defendant has been arraigned  
10 on an infraction complaint.

11 (b) Subdivision (a) does not apply to a violation of Section  
12 9855.1 if the defendant has had his or her registration previously  
13 revoked or suspended.

14 (c) Notwithstanding any other provision of law, a violation of  
15 Section 9855.1, which is an infraction, is punishable by a fine of  
16 not less than two hundred fifty dollars (\$250) and not more than  
17 one thousand dollars (\$1,000).

18 No portion of the minimum fine may be suspended by the court  
19 unless as a condition of that suspension the defendant is required  
20 to submit proof of a current valid registration to act as a service  
21 contractor the absence of which was the basis for his or her  
22 conviction.

23 ~~SEC. 85.~~

24 *SEC. 83.* Section 8659 of the Government Code is amended  
25 to read:

26 8659. Any physician or surgeon (whether licensed in this state  
27 or any other state), hospital, pharmacist, respiratory care  
28 practitioner, nurse, or dentist who renders services during any state  
29 of war emergency, a state of emergency, or a local emergency at  
30 the express or implied request of any responsible state or local  
31 official or agency shall have no liability for any injury sustained  
32 by any person by reason of those services, regardless of how or  
33 under what circumstances or by what cause those injuries are  
34 sustained; provided, however, that the immunity herein granted  
35 shall not apply in the event of a willful act or omission.

36 ~~SEC. 86.~~

37 *SEC. 84.* Section 8778.5 of the Health and Safety Code is  
38 amended to read:

1     8778.5. Each special care trust fund established pursuant to  
2 this article shall be administered in compliance with the following  
3 requirements:

4     (a) (1) The board of trustees shall honor a written request of  
5 revocation by the trustor within 30 days upon receipt of the written  
6 request.

7     (2) Except as provided in paragraph (3), the board of trustees  
8 upon revocation of a special care trust may assess a revocation fee  
9 on the earned income of the trust only, the amount of which shall  
10 not exceed 10 percent of the trust corpus, as set forth in subdivision  
11 (c) of Section 2370 of Title 16 of the California Code of  
12 Regulations.

13     (3) If, prior to or upon the death of the beneficiary of a revocable  
14 special care trust, the cemetery authority is unable to perform the  
15 services of the special care trust fund agreement, the board of  
16 trustees shall pay the entire trust corpus and all earned income to  
17 the beneficiary or trustor, or the legal representative of either the  
18 beneficiary or trustor, without the imposition of a revocation fee.

19     (b) Notwithstanding subdivision (d) of Section 2370 of Title 16  
20 of the California Code of Regulations, the board of trustees may  
21 charge an annual fee for administering a revocable special care  
22 trust fund, which may be recovered by administrative withdrawals  
23 from current trust income, but the total administrative withdrawals  
24 in any year shall not exceed 4 percent of the trust balance.

25     (c) Notwithstanding Section 8785, any person, partnership, or  
26 corporation who violates this section shall be subject to disciplinary  
27 action as provided in Article 6 (commencing with Section 9725)  
28 of Chapter 19 of Division 3 of the Business and Professions Code,  
29 or by a civil fine not exceeding five hundred dollars (\$500), or by  
30 both, as determined by the Cemetery and Funeral Bureau and shall  
31 not be guilty of a crime.

32     ~~SEC. 87:~~

33     SEC. 85. Section 11150 of the Health and Safety Code is  
34 amended to read:

35     11150. No person other than a physician, dentist, podiatrist,  
36 or veterinarian, or naturopathic doctor acting pursuant to Section  
37 3640.7 of the Business and Professions Code, or pharmacist acting  
38 within the scope of a project authorized under Article 1  
39 (commencing with Section 128125) of Chapter 3 of Part 3 of  
40 Division 107 or within the scope of either Section 4052.1 or 4052.2

1 of the Business and Professions Code, a registered nurse acting  
2 within the scope of a project authorized under Article 1  
3 (commencing with Section 128125) of Chapter 3 of Part 3 of  
4 Division 107, a certified nurse-midwife acting within the scope of  
5 Section 2746.51 of the Business and Professions Code, a nurse  
6 practitioner acting within the scope of Section 2836.1 of the  
7 Business and Professions Code, a physician assistant acting within  
8 the scope of a project authorized under Article 1 (commencing  
9 with Section 128125) of Chapter 3 of Part 3 of Division 107 or  
10 Section 3502.1 of the Business and Professions Code, a  
11 naturopathic doctor acting within the scope of Section 3640.5 of  
12 the Business and Professions Code, or an optometrist acting within  
13 the scope of Section 3041 of the Business and Professions Code,  
14 or an out-of-state prescriber acting pursuant to Section 4005 of the  
15 Business and Professions Code shall write or issue a prescription.

16 ~~SEC. 88.~~

17 *SEC. 86.* Section 11165 of the Health and Safety Code is  
18 amended to read:

19 11165. (a) To assist law enforcement and regulatory agencies  
20 in their efforts to control the diversion and resultant abuse of  
21 Schedule II, Schedule III, and Schedule IV controlled substances,  
22 and for statistical analysis, education, and research, the Department  
23 of Justice shall, contingent upon the availability of adequate funds  
24 from the Contingent Fund of the Medical Board of California, the  
25 Pharmacy Board Contingent Fund, the State Dentistry Fund, the  
26 Board of Registered Nursing Fund, and the Osteopathic Medical  
27 Board of California Contingent Fund, maintain the Controlled  
28 Substance Utilization Review and Evaluation System (CURES)  
29 for the electronic monitoring of the prescribing and dispensing of  
30 Schedule II, Schedule III, and Schedule IV controlled substances  
31 by all practitioners authorized to prescribe or dispense these  
32 controlled substances.

33 (b) The reporting of Schedule III and Schedule IV controlled  
34 substance prescriptions to CURES shall be contingent upon the  
35 availability of adequate funds from the Department of Justice. The  
36 Department of Justice may seek and use grant funds to pay the  
37 costs incurred from the reporting of controlled substance  
38 prescriptions to CURES. Funds shall not be appropriated from the  
39 Contingent Fund of the Medical Board of California, the Pharmacy  
40 Board Contingent Fund, the State Dentistry Fund, the Board of

1 Registered Nursing Fund, the Naturopathic Doctor's Fund, or the  
2 Osteopathic Medical Board of California Contingent Fund to pay  
3 the costs of reporting Schedule III and Schedule IV controlled  
4 substance prescriptions to CURES.

5 (c) CURES shall operate under existing provisions of law to  
6 safeguard the privacy and confidentiality of patients. Data obtained  
7 from CURES shall only be provided to appropriate state, local,  
8 and federal persons or public agencies for disciplinary, civil, or  
9 criminal purposes and to other agencies or entities, as determined  
10 by the Department of Justice, for the purpose of educating  
11 practitioners and others in lieu of disciplinary, civil, or criminal  
12 actions. Data may be provided to public or private entities, as  
13 approved by the Department of Justice, for educational, peer  
14 review, statistical, or research purposes, provided that patient  
15 information, including any information that may identify the  
16 patient, is not compromised. Further, data disclosed to any  
17 individual or agency as described in this subdivision shall not be  
18 disclosed, sold, or transferred to any third party.

19 (d) For each prescription for a Schedule II, Schedule III, or  
20 Schedule IV controlled substance, the dispensing pharmacy or  
21 clinic shall provide the following information to the Department  
22 of Justice on a weekly basis and in a format specified by the  
23 Department of Justice:

24 (1) Full name, address, and the telephone number of the ultimate  
25 user or research subject, or contact information as determined by  
26 the Secretary of the United States Department of Health and Human  
27 Services, and the gender, and date of birth of the ultimate user.

28 (2) The prescriber's category of licensure and license number;  
29 federal controlled substance registration number; and the state  
30 medical license number of any prescriber using the federal  
31 controlled substance registration number of a government-exempt  
32 facility.

33 (3) Pharmacy prescription number, license number, and federal  
34 controlled substance registration number.

35 (4) NDC (National Drug Code) number of the controlled  
36 substance dispensed.

37 (5) Quantity of the controlled substance dispensed.

38 (6) ICD-9 (diagnosis code), if available.

39 (7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Date of origin of the prescription.

(10) Date of dispensing of the prescription.

(e) This section shall become operative on January 1, 2005.

~~SEC. 89.~~

*SEC. 87.* Section 14132.100 of the Welfare and Institutions Code is amended to read:

14132.100. (a) The federally qualified health center services described in Section 1396d(a)(2)(C) of Title 42 of the United States Code are covered benefits.

(b) The rural health clinic services described in Section 1396d(a)(2)(B) of Title 42 of the United States Code are covered benefits.

(c) Federally qualified health center services and rural health clinic services shall be reimbursed on a per-visit basis in accordance with the definition of “visit” set forth in subdivision (g).

(d) Effective October 1, 2004, and on each October 1, thereafter, until no longer required by federal law, federally qualified health center (FQHC) and rural health clinic (RHC) per-visit rates shall be increased by the Medicare Economic Index applicable to primary care services in the manner provided for in Section 1396a(bb)(3)(A) of Title 42 of the United States Code. Prior to January 1, 2004, FQHC and RHC per-visit rates shall be adjusted by the Medicare Economic Index in accordance with the methodology set forth in the state plan in effect on October 1, 2001.

(e) (1) An FQHC or RHC may apply for an adjustment to its per-visit rate based on a change in the scope of services provided by the FQHC or RHC. Rate changes based on a change in the scope of services provided by an FQHC or RHC shall be evaluated in accordance with Medicare reasonable cost principles, as set forth in Part 413 (commencing with Section 413.1) of Title 42 of the Code of Federal Regulations, or its successor.

(2) Subject to the conditions set forth in subparagraphs (A) to (D), inclusive, of paragraph (3), a change in scope of service means any of the following:

(A) The addition of a new FQHC or RHC service that is not incorporated in the baseline prospective payment system (PPS)



1 rate, or a deletion of an FQHC or RHC service that is incorporated  
2 in the baseline PPS rate.

3 (B) A change in service due to amended regulatory requirements  
4 or rules.

5 (C) A change in service resulting from relocating or remodeling  
6 an FQHC or RHC.

7 (D) A change in types of services due to a change in applicable  
8 technology and medical practice utilized by the center or clinic.

9 (E) An increase in service intensity attributable to changes in  
10 the types of patients served, including, but not limited to,  
11 populations with HIV or AIDS, or other chronic diseases, or  
12 homeless, elderly, migrant, or other special populations.

13 (F) Any changes in any of the services described in subdivision  
14 (a) or (b), or in the provider mix of an FQHC or RHC or one of  
15 its sites.

16 (G) Changes in operating costs attributable to capital  
17 expenditures associated with a modification of the scope of any  
18 of the services described in subdivision (a) or (b), including new  
19 or expanded service facilities, regulatory compliance, or changes  
20 in technology or medical practices at the center or clinic.

21 (H) Indirect medical education adjustments and a direct graduate  
22 medical education payment that reflects the costs of providing  
23 teaching services to interns and residents.

24 (I) Any changes in the scope of a project approved by the federal  
25 Health Resources and Service Administration (HRSA).

26 (3) No change in costs shall, in and of itself, be considered a  
27 scope-of-service change unless all of the following apply:

28 (A) The increase or decrease in cost is attributable to an increase  
29 or decrease in the scope of services defined in subdivisions (a) and  
30 (b), as applicable.

31 (B) The cost is allowable under Medicare reasonable cost  
32 principles set forth in Part 413 (commencing with Section 413) of  
33 Subchapter B of Chapter 4 of Title 42 of the Code of Federal  
34 Regulations, or its successor.

35 (C) The change in the scope of services is a change in the type,  
36 intensity, duration, or amount of services, or any combination  
37 thereof.

38 (D) The net change in the FQHC's or RHC's rate equals or  
39 exceeds 1.75 percent for the affected FQHC or RHC site. For  
40 FQHCs and RHCs that filed consolidated cost reports for multiple

1 sites to establish the initial prospective payment reimbursement  
2 rate, the 1.75-percent threshold shall be applied to the average  
3 per-visit rate of all sites for the purposes of calculating the cost  
4 associated with a scope-of-service change. “Net change” means  
5 the per-visit rate change attributable to the cumulative effect of all  
6 increases and decreases for a particular fiscal year.

7 (4) An FQHC or RHC may submit requests for scope-of-service  
8 changes once per fiscal year, only within 90 days following the  
9 beginning of the FQHC’s or RHC’s fiscal year. Any approved  
10 increase or decrease in the provider’s rate shall be retroactive to  
11 the beginning of the FQHC’s or RHC’s fiscal year in which the  
12 request is submitted.

13 (5) An FQHC or RHC shall submit a scope-of-service rate  
14 change request within 90 days of the beginning of any FQHC or  
15 RHC fiscal year occurring after the effective date of this section,  
16 if, during the FQHC’s or RHC’s prior fiscal year, the FQHC or  
17 RHC experienced a decrease in the scope of services provided that  
18 the FQHC or RHC either knew or should have known would have  
19 resulted in a significantly lower per-visit rate. If an FQHC or RHC  
20 discontinues providing onsite pharmacy or dental services, it shall  
21 submit a scope-of-service rate change request within 90 days of  
22 the beginning of the following fiscal year. The rate change shall  
23 be effective as provided for in paragraph (4). As used in this  
24 paragraph, “significantly lower” means an average per-visit rate  
25 decrease in excess of 2.5 percent.

26 (6) Notwithstanding paragraph (4), if the approved  
27 scope-of-service change or changes were initially implemented  
28 on or after the first day of an FQHC’s or RHC’s fiscal year ending  
29 in calendar year 2001, but before the adoption and issuance of  
30 written instructions for applying for a scope-of-service change,  
31 the adjusted reimbursement rate for that scope-of-service change  
32 shall be made retroactive to the date the scope-of-service change  
33 was initially implemented. Scope-of-service changes under this  
34 paragraph shall be required to be submitted within the later of 150  
35 days after the adoption and issuance of the written instructions by  
36 the department, or 150 days after the end of the FQHC’s or RHC’s  
37 fiscal year ending in 2003.

38 (7) All references in this subdivision to “fiscal year” shall be  
39 construed to be references to the fiscal year of the individual FQHC  
40 or RHC, as the case may be.

(f) (1) An FQHC or RHC may request a supplemental payment if extraordinary circumstances beyond the control of the FQHC or RHC occur after December 31, 2001, and PPS payments are insufficient due to these extraordinary circumstances. Supplemental payments arising from extraordinary circumstances under this subdivision shall be solely and exclusively within the discretion of the department and shall not be subject to subdivision (l). These supplemental payments shall be determined separately from the scope-of-service adjustments described in subdivision (e). Extraordinary circumstances include, but are not limited to, acts of nature, changes in applicable requirements in the Health and Safety Code, changes in applicable licensure requirements, and changes in applicable rules or regulations. Mere inflation of costs alone, absent extraordinary circumstances, shall not be grounds for supplemental payment. If an FQHC's or RHC's PPS rate is sufficient to cover its overall costs, including those associated with the extraordinary circumstances, then a supplemental payment is not warranted.

(2) The department shall accept requests for supplemental payment at any time throughout the prospective payment rate year.

(3) Requests for supplemental payments shall be submitted in writing to the department and shall set forth the reasons for the request. Each request shall be accompanied by sufficient documentation to enable the department to act upon the request. Documentation shall include the data necessary to demonstrate that the circumstances for which supplemental payment is requested meet the requirements set forth in this section. Documentation shall include all of the following:

(A) A presentation of data to demonstrate reasons for the FQHC's or RHC's request for a supplemental payment.

(B) Documentation showing the cost implications. The cost impact shall be material and significant, two hundred thousand dollars (\$200,000) or 1 percent of a facility's total costs, whichever is less.

(4) A request shall be submitted for each affected year.

(5) Amounts granted for supplemental payment requests shall be paid as lump-sum amounts for those years and not as revised PPS rates, and shall be repaid by the FQHC or RHC to the extent that it is not expended for the specified purposes.

(6) The department shall notify the provider of the department's discretionary decision in writing.

(g) (1) An FQHC or RHC "visit" means a face-to-face encounter between an FQHC or RHC patient and a physician, physician assistant, nurse practitioner, certified nurse-midwife, clinical psychologist, licensed clinical social worker, or a visiting nurse. For purposes of this section, "physician" shall be interpreted in a manner consistent with the Centers for Medicare and Medicaid Services' Medicare Rural Health Clinic and Federally Qualified Health Center Manual (Publication 27), or its successor, only to the extent that it defines the professionals whose services are reimbursable on a per-visit basis and not as to the types of services that these professionals may render during these visits and shall include a physician and surgeon, podiatrist, dentist, optometrist, and chiropractor. A visit shall also include a face-to-face encounter between an FQHC or RHC patient and a comprehensive perinatal services practitioner, as defined in Section 51179.1 of Title 22 of the California Code of Regulations, providing comprehensive perinatal services, a four-hour day of attendance at an adult day health care center, and any other provider identified in the state plan's definition of an FQHC or RHC visit.

(2) (A) A visit shall also include a face-to-face encounter between an FQHC or RHC patient and a dental hygienist or a dental hygienist in alternative practice.

(B) Notwithstanding subdivision (e), an FQHC or RHC that currently includes the cost of the services of a dental hygienist in alternative practice for the purposes of establishing its FQHC or RHC rate shall apply for an adjustment to its per-visit rate, and, after the rate adjustment has been approved by the department, shall bill these services as a separate visit. However, multiple encounters with dental professionals that take place on the same day shall constitute a single visit. The department shall develop the appropriate forms to determine which FQHC's or RHC rates shall be adjusted and to facilitate the calculation of the adjusted rates. An FQHC's or RHC's application for, or the department's approval of, a rate adjustment pursuant to this subparagraph shall not constitute a change in scope of service within the meaning of subdivision (e). An FQHC or RHC that applies for an adjustment to its rate pursuant to this subparagraph may continue to bill for all other FQHC or RHC visits at its existing per-visit rate, subject

1 to reconciliation, until the rate adjustment for visits between an  
2 FQHC or RHC patient and a dental hygienist or a dental hygienist  
3 in alternative practice has been approved. Any approved increase  
4 or decrease in the provider's rate shall be made within six months  
5 after the date of receipt of the department's rate adjustment forms  
6 pursuant to this subparagraph and shall be retroactive to the  
7 beginning of the fiscal year in which the FQHC or RHC submits  
8 the request, but in no case shall the effective date be earlier than  
9 January 1, 2008.

10 (C) An FQHC or RHC that does not provide dental hygienist  
11 or dental hygienist in alternative practice services, and later elects  
12 to add these services, shall process the addition of these services  
13 as a change in scope of service pursuant to subdivision (e).

14 (h) If FQHC or RHC services are partially reimbursed by a  
15 third-party payer, such as a managed care entity (as defined in  
16 Section 1396u-2(a)(1)(B) of Title 42 of the United States Code),  
17 the Medicare Program, or the Child Health and Disability  
18 Prevention (CHDP) program, the department shall reimburse an  
19 FQHC or RHC for the difference between its per-visit PPS rate  
20 and receipts from other plans or programs on a contract-by-contract  
21 basis and not in the aggregate, and may not include managed care  
22 financial incentive payments that are required by federal law to  
23 be excluded from the calculation.

24 (i) (1) An entity that first qualifies as an FQHC or RHC in the  
25 year 2001 or later, a newly licensed facility at a new location added  
26 to an existing FQHC or RHC, and any entity that is an existing  
27 FQHC or RHC that is relocated to a new site shall each have its  
28 reimbursement rate established in accordance with one of the  
29 following methods, as selected by the FQHC or RHC:

30 (A) The rate may be calculated on a per-visit basis in an amount  
31 that is equal to the average of the per-visit rates of three comparable  
32 FQHCs or RHCs located in the same or adjacent area with a similar  
33 caseload.

34 (B) In the absence of three comparable FQHCs or RHCs with  
35 a similar caseload, the rate may be calculated on a per-visit basis  
36 in an amount that is equal to the average of the per-visit rates of  
37 three comparable FQHCs or RHCs located in the same or an  
38 adjacent service area, or in a reasonably similar geographic area  
39 with respect to relevant social, health care, and economic  
40 characteristics.

1 (C) At a new entity's one-time election, the department shall  
2 establish a reimbursement rate, calculated on a per-visit basis, that  
3 is equal to 100 percent of the projected allowable costs to the  
4 FQHC or RHC of furnishing FQHC or RHC services during the  
5 first 12 months of operation as an FQHC or RHC. After the first  
6 12-month period, the projected per-visit rate shall be increased by  
7 the Medicare Economic Index then in effect. The projected  
8 allowable costs for the first 12 months shall be cost settled and the  
9 prospective payment reimbursement rate shall be adjusted based  
10 on actual and allowable cost per visit.

11 (D) The department may adopt any further and additional  
12 methods of setting reimbursement rates for newly qualified FQHCs  
13 or RHCs as are consistent with Section 1396a(bb)(4) of Title 42  
14 of the United States Code.

15 (2) In order for an FQHC or RHC to establish the comparability  
16 of its caseload for purposes of subparagraph (A) or (B) of paragraph  
17 (1), the department shall require that the FQHC or RHC submit  
18 its most recent annual utilization report as submitted to the Office  
19 of Statewide Health Planning and Development, unless the FQHC  
20 or RHC was not required to file an annual utilization report. FQHCs  
21 or RHCs that have experienced changes in their services or  
22 caseload subsequent to the filing of the annual utilization report  
23 may submit to the department a completed report in the format  
24 applicable to the prior calendar year. FQHCs or RHCs that have  
25 not previously submitted an annual utilization report shall submit  
26 to the department a completed report in the format applicable to  
27 the prior calendar year. The FQHC or RHC shall not be required  
28 to submit the annual utilization report for the comparable FQHCs  
29 or RHCs to the department, but shall be required to identify the  
30 comparable FQHCs or RHCs.

31 (3) The rate for any newly qualified entity set forth under this  
32 subdivision shall be effective retroactively to the later of the date  
33 that the entity was first qualified by the applicable federal agency  
34 as an FQHC or RHC, the date a new facility at a new location was  
35 added to an existing FQHC or RHC, or the date on which an  
36 existing FQHC or RHC was relocated to a new site. The FQHC  
37 or RHC shall be permitted to continue billing for Medi-Cal covered  
38 benefits on a fee-for-service basis until it is informed of its  
39 enrollment as an FQHC or RHC, and the department shall reconcile

1 the difference between the fee-for-service payments and the  
2 FQHC's or RHC's prospective payment rate at that time.

3 (j) Visits occurring at an intermittent clinic site, as defined in  
4 subdivision (h) of Section 1206 of the Health and Safety Code, of  
5 an existing FQHC or RHC, or in a mobile unit as defined by  
6 paragraph (2) of subdivision (b) of Section 1765.105 of the Health  
7 and Safety Code, shall be billed by and reimbursed at the same  
8 rate as the FQHC or RHC establishing the intermittent clinic site  
9 or the mobile unit, subject to the right of the FQHC or RHC to  
10 request a scope-of-service adjustment to the rate.

11 (k) An FQHC or RHC may elect to have pharmacy or dental  
12 services reimbursed on a fee-for-service basis, utilizing the current  
13 fee schedules established for those services. These costs shall be  
14 adjusted out of the FQHC's or RHC's clinic base rate as  
15 scope-of-service changes. An FQHC or RHC that reverses its  
16 election under this subdivision shall revert to its prior rate, subject  
17 to an increase to account for all MEI increases occurring during  
18 the intervening time period, and subject to any increase or decrease  
19 associated with applicable scope-of-services adjustments as  
20 provided in subdivision (e).

21 (l) FQHCs and RHCs may appeal a grievance or complaint  
22 concerning ratesetting, scope-of-service changes, and settlement  
23 of cost report audits, in the manner prescribed by Section 14171.  
24 The rights and remedies provided under this subdivision are  
25 cumulative to the rights and remedies available under all other  
26 provisions of law of this state.

27 (m) The department shall, by no later than March 30, 2008,  
28 promptly seek all necessary federal approvals in order to implement  
29 this section, including any amendments to the state plan. To the  
30 extent that any element or requirement of this section is not  
31 approved, the department shall submit a request to the federal  
32 Centers for Medicare and Medicaid Services for any waivers that  
33 would be necessary to implement this section.

34 (n) The department shall implement this section only to the  
35 extent that federal financial participation is obtained.

36 *SEC. 88. Section 1.5 of this bill incorporates amendments to*  
37 *Section 27 of the Business and Professions Code proposed by both*  
38 *this bill and AB 48. It shall only become operative if (1) both bills*  
39 *are enacted and become effective on or before January 1, 2010,*  
40 *but this bill becomes operative first, (2) each bill amends Section*

1 27 of the Business and Professions Code, and (3) this bill is enacted  
2 after AB 48, in which case Section 27 of the Business and  
3 Professions Code, as amended by Section 1 of this bill, shall remain  
4 operative only until the operative date of AB 48, at which time  
5 Section 1.5 of this bill shall become operative.

6 SEC. 89. (a) Section 2.2 of this bill incorporates amendments  
7 to Section 101 of the Business and Professions Code proposed by  
8 both this bill and AB 20 of the 2009–10 Fourth Extraordinary  
9 Session. It shall only become operative if (1) both bills are enacted  
10 and become effective on or before January 1, 2010, but this bill  
11 becomes operative first, (2) both bills amend Section 101 of the  
12 Business and Professions Code, and (3) this bill is enacted after  
13 AB 20 of the 2009–10 Fourth Extraordinary Session, in which  
14 case Section 101 of the Business and Professions Code, as amended  
15 by Section 2 of this bill, shall remain operative only until the  
16 operative date of AB 20 of the 2009–10 Fourth Extraordinary  
17 Session, at which time Section 2.2 of this bill shall become  
18 operative and shall remain operative until the date specified in  
19 subdivision (b), (c), or (d), if applicable. If subdivision (b), (c),  
20 and (d) do not apply, Section 2.2 of this bill shall remain operative  
21 and Section 2.4, 2.6, and 2.8 of this bill shall not become operative.

22 (b) Section 2.4 of this bill incorporates amendments to Section  
23 101 of the Business and Professions Code proposed by this bill,  
24 AB 20 of the 2009–10 Fourth Extraordinary Session, and AB 48.  
25 It shall only become operative if (1) all three bills are enacted and  
26 become effective on or before January 1, 2010, but this bill  
27 becomes operative first, (2) all three bills amend Section 101 of  
28 the Business and Professions Code, (3) AB 1535 is not enacted or  
29 as enacted does not amend that section, and (4) this bill is enacted  
30 after AB 20 of the 2009–10 Fourth Extraordinary Session and AB  
31 48, in which case Section 101 of the Business and Professions  
32 Code, as amended by Section 2.2 of this bill, shall remain operative  
33 only until the operative date of AB 48, at which time Section 2.4  
34 of this bill shall become operative and Sections 2.6 and 2.8 of this  
35 bill shall not become operative.

36 (c) Section 2.6 of this bill incorporates amendments to Section  
37 101 of the Business and Professions Code proposed by this bill,  
38 AB 20 of the 2009–10 Fourth Extraordinary Session, and AB 1535.  
39 It shall only become operative if (1) all three bills are enacted and  
40 become effective on or before January 1, 2010, but this bill



1 *becomes operative first, (2) all three bills amend Section 101 of*  
2 *the Business and Professions Code, (3) AB 48 is not enacted or*  
3 *as enacted does not amend that section, and (4) this bill is enacted*  
4 *after AB 20 of the 2009–10 Fourth Extraordinary Session and AB*  
5 *1535, in which case Section 101 of the Business and Professions*  
6 *Code, as amended by Section 2.2 of this bill, shall remain operative*  
7 *only until the operative date of AB 1535, at which time Section 2.6*  
8 *of this bill shall become operative and Sections 2.4 and 2.8 of this*  
9 *bill shall not become operative.*

10 *(d) Section 2.8 of this bill incorporates amendments to Section*  
11 *101 of the Business and Professions Code proposed by this bill,*  
12 *AB 20 of the 2009–10 Fourth Extraordinary Session, AB 48, and*  
13 *AB 1535. It shall only become operative if (1) all four bills are*  
14 *enacted and become effective on or before January 1, 2010, but*  
15 *this bill becomes operative first, (2) all four bills amend Section*  
16 *101 of the Business and Professions Code, and (3) this bill is*  
17 *enacted after AB 20 of the 2009–10 Fourth Extraordinary Session,*  
18 *AB 48, and AB 1535, in which case Section 101 of the Business*  
19 *and Professions Code, as amended by Section 2.2 of this bill, shall*  
20 *remain operative only until the operative date of AB 48 and AB*  
21 *1535, at which time Section 2.8 of this bill shall become operative*  
22 *and Sections 2.4 and 2.6 of this bill shall not become operative.*

23 *SEC. 90. Section 5.5 of this bill incorporates amendments to*  
24 *Section 146 of the Business and Professions Code proposed by*  
25 *both this bill and AB 48. It shall only become operative if (1) both*  
26 *bills are enacted and become effective on or before January 1,*  
27 *2010, but this bill becomes operative first, (2) each bill amends*  
28 *Section 146 of the Business and Professions Code, and (3) this*  
29 *bill is enacted after AB 48, in which case Section 146 of the*  
30 *Business and Professions Code, as amended by Section 5 of this*  
31 *bill, shall remain operative only until the operative date of AB 48,*  
32 *at which time Section 5.5 of this bill shall become operative.*

33 *SEC. 91. (a) Section 6.2 of this bill incorporates amendments*  
34 *to Section 149 of the Business and Professions Code proposed by*  
35 *both this bill and AB 20 of the 2009–10 Fourth Extraordinary*  
36 *Session. It shall only become operative if (1) both bills are enacted*  
37 *and become effective on or before January 1, 2010, but this bill*  
38 *becomes operative first, (2) both bills amend Section 149 of the*  
39 *Business and Professions Code, and (3) this bill is enacted after*  
40 *AB 20 of the 2009–10 Fourth Extraordinary Session, in which*

1 case Section 149 of the Business and Professions Code, as amended  
2 by Section 6 of this bill, shall remain operative only until the  
3 operative date of AB 20 of the 2009–10 Fourth Extraordinary  
4 Session, at which time Section 6.2 of this bill shall become  
5 operative and shall remain operative until the date specified in  
6 subdivision (b), (c), or (d) if applicable. If subdivisions (b), (c),  
7 and (d) do not apply, Section 6.2 of this bill shall remain operative  
8 and Sections 6.4, 6.6, and 6.8 of this bill shall not become  
9 operative.

10 (b) Section 6.4 of this bill incorporates amendments to Section  
11 149 of the Business and Professions Code proposed by this bill,  
12 AB 20 of the 2009–10 Fourth Extraordinary Session, and AB 48.  
13 It shall only become operative if (1) all three bills are enacted and  
14 become effective on or before January 1, 2010, but this bill  
15 becomes operative first, (2) all three bills amend Section 149 of  
16 the Business and Professions Code, (3) AB 1535 is not enacted or  
17 as enacted does not amend that section, and (4) this bill is enacted  
18 after AB 20 of the 2009–10 Fourth Extraordinary Session, and AB  
19 48, in which case Section 149 of the Business and Professions  
20 Code, as amended by Section 6.2 of this bill, shall remain operative  
21 only until the operative date of AB 48, at which time Section 6.4  
22 of this bill shall become operative and Sections 6.6 and 6.8 of this  
23 bill shall not become operative.

24 (c) Section 6.6 of this bill incorporates amendments to Section  
25 149 of the Business and Professions Code proposed by this bill,  
26 AB 20 of the 2009–10 Fourth Extraordinary Session, and AB 1535.  
27 It shall only become operative if (1) all three bills are enacted and  
28 become effective on or before January 1, 2010, but this bill  
29 becomes operative first, (2) all three bills amend Section 149 of  
30 the Business and Professions Code, (3) AB 48 is not enacted or  
31 as enacted does not amend that section, and (4) this bill is enacted  
32 after AB 20 of the 2009–10 Fourth Extraordinary Session and AB  
33 1535, in which case Section 149 of the Business and Professions  
34 Code, as amended by Section 6.2 of this bill, shall remain operative  
35 only until the operative date of AB 1535, at which time Section 6.6  
36 of this bill shall become operative and Sections 6.4 and 6.8 of this  
37 bill shall not become operative.

38 (d) Section 6.8 of this bill incorporates amendments to Section  
39 149 of the Business and Professions Code proposed by this bill,  
40 AB 20 of the 2009–10 Fourth Extraordinary Session, AB 48, and

1 AB 1535. It shall only become operative if (1) all four bills are  
2 enacted and become effective on or before January 1, 2010, but  
3 this bill becomes operative first, (2) all four bills amend Section  
4 149 of the Business and Professions Code, and (3) this bill is  
5 enacted after AB 20 of the 2009–10 Fourth Extraordinary Session,  
6 AB 48, and AB 1535, in which case Section 149 of the Business  
7 and Professions Code, as amended by Section 6.2 of this bill, shall  
8 remain operative only until the operative date of AB 48 and AB  
9 1535, at which time Section 6.8 of this bill shall become operative  
10 and Sections 6.4 and 6.6 of this bill shall not become operative.

11 SEC. 92. Section 9.5 of this bill incorporates amendments to  
12 Section 800 of the Business and Professions Code proposed by  
13 both this bill and SB 820. It shall only become operative if (1) both  
14 bills are enacted and become effective on or before January 1,  
15 2010, but this bill becomes operative first, (2) each bill amends  
16 Section 800 of the Business and Professions Code, and (3) this  
17 bill is enacted after SB 820, in which case Section 800 of the  
18 Business and Professions Code, as amended by Section 9 of this  
19 bill, shall remain operative only until the operative date of SB 820,  
20 at which time Section 9.5 of this bill shall become operative.

21 SEC. 93. Section 28.5 of this bill incorporates amendments to  
22 Section 2570.5 of the Business and Professions Code proposed by  
23 both this bill and SB 821. It shall only become operative if (1) both  
24 bills are enacted and become effective on or before January 1,  
25 2010, but this bill becomes operative first, (2) both bills amend  
26 Section 2570.5 of the Business and Professions Code, and (3) this  
27 bill is enacted after SB 821, in which case Section 2570.5 of the  
28 Business and Professions Code, as amended by Section 28 of this  
29 bill, shall remain operative only until the operative date of SB 821,  
30 at which time Section 28.5 of this bill shall become operative.

31 SEC. 94. Section 29.5 of this bill incorporates amendments to  
32 Section 2570.6 of the Business and Professions Code proposed by  
33 both this bill and SB 821. It shall only become operative if (1) both  
34 bills are enacted and become effective on or before January 1,  
35 2010, but this bill becomes operative first, (2) both bills amend  
36 Section 2570.6 of the Business and Professions Code, and (3) this  
37 bill is enacted after SB 821, in which case Section 2570.6 of the  
38 Business and Professions Code, as amended by Section 29 of this  
39 bill, shall remain operative only until the operative date of SB 821,  
40 at which time Section 29.5 of this bill shall become operative.

1     SEC. 95. Section 30.5 of this bill incorporates amendments to  
2     Section 2570.7 of the Business and Professions Code proposed by  
3     both this bill and SB 821. It shall only become operative if (1) both  
4     bills are enacted and become effective on or before January 1,  
5     2010, but this bill becomes operative first, (2) each bill amends  
6     Section 2570.7 of the Business and Professions Code, and (3) this  
7     bill is enacted after SB 821, in which case Section 2570.7 of the  
8     Business and Professions Code, as amended by Section 30 of this  
9     bill, shall remain operative only until the operative date of SB 821,  
10    at which time Section 30.5 of this bill shall become operative.

11    SEC. 96. Section 38.5 of this bill incorporates amendments to  
12    Section 3635 of the Business and Professions Code proposed by  
13    both this bill and AB 20 of the 2009–10 Fourth Extraordinary  
14    Session. It shall only become operative if (1) both bills are enacted  
15    and become effective on or before January 1, 2010, but this bill  
16    becomes operative first, (2) both bills amend Section 3635 of the  
17    Business and Professions Code, and (3) this bill is enacted after  
18    AB 20 of the 2009–10 Fourth Extraordinary Session, in which  
19    case Section 3635 of the Business and Professions Code, as  
20    amended by Section 38 of this bill, shall remain operative only  
21    until the operative date of AB 20 of the 2009–10 Fourth  
22    Extraordinary Session, at which time Section 38.5 of this bill shall  
23    become operative.

24    SEC. 97. Section 39.5 of this bill incorporates amendments to  
25    Section 3636 of the Business and Professions Code proposed by  
26    both this bill and AB 20 of the 2009–10 Fourth Extraordinary  
27    Session. It shall only become operative if (1) both bills are enacted  
28    and become effective on or before January 1, 2010, but this bill  
29    becomes operative first, (2) both bills amend Section 3636 of the  
30    Business and Professions Code, and (3) this bill is enacted after  
31    AB 20 of the 2009–10 Fourth Extraordinary Session, in which  
32    case Section 3636 of the Business and Professions Code, as  
33    amended by Section 39 of this bill, shall remain operative only  
34    until the operative date of AB 20 of the 2009–10 Fourth  
35    Extraordinary Session, at which time Section 39.5 of this bill shall  
36    become operative.

37    SEC. 98. Section 44.5 of this bill incorporates amendments to  
38    Section 4040 of the Business and Professions Code proposed by  
39    both this bill and SB 470. It shall only become operative if (1) both  
40    bills are enacted and become effective on or before January 1,

1 2010, but this bill becomes operative first, (2) each bill amends  
2 Section 4040 of the Business and Professions Code, and (3) this  
3 bill is enacted after SB 470, in which case Section 4040 of the  
4 Business and Professions Code, as amended by Section 44 of this  
5 bill, shall remain operative only until the operative date of SB 470,  
6 at which time Section 44.5 of this bill shall become operative.

7 SEC. 99. Section 49.5 of this bill incorporates amendments to  
8 Section 4076 of the Business and Professions Code proposed by  
9 both this bill and SB 470. It shall only become operative if (1) both  
10 bills are enacted and become effective on or before January 1,  
11 2010, but this bill becomes operative first, (2) each bill amends  
12 Section 4076 of the Business and Professions Code, and (3) this  
13 bill is enacted after SB 470, in which case Section 4076 of the  
14 Business and Professions Code, as amended by Section 49 of this  
15 bill, shall remain operative only until the operative date of SB 470,  
16 at which time Section 49.5 of this bill shall become operative.

17 SEC. 100. Section 51.5 of this bill incorporates amendments  
18 to Section 4110 of the Business and Professions Code proposed  
19 by both this bill and AB 1071. It shall only become operative if (1)  
20 both bills are enacted and become effective on or before January  
21 1, 2010, but this bill becomes operative first, (2) each bill amends  
22 Section 4110 of the Business and Professions Code, and (3) this  
23 bill is enacted after AB 1071, in which case Section 4110 of the  
24 Business and Professions Code, as amended by Section 51 of this  
25 bill, shall remain operative only until the operative date of AB  
26 1071, at which time Section 51.5 of this bill shall become operative.

27 SEC. 101. Section 77.5 of this bill incorporates amendments  
28 to Section 7616 of the Business and Professions Code proposed  
29 by both this bill and SB 821. It shall only become operative if (1)  
30 both bills are enacted and become effective on or before January  
31 1, 2010, but this bill becomes operative first, (2) each bill amends  
32 Section 7616 of the Business and Professions Code, and (3) this  
33 bill is enacted after SB 821, in which case Section 7616 of the  
34 Business and Professions Code, as amended by Section 77 of this  
35 bill, shall remain operative only until the operative date of SB 821,  
36 at which time Section 77.5 of this bill shall become operative.

37 ~~SEC. 90.~~

38 SEC. 102. No reimbursement is required by this act pursuant  
39 to Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

7 ~~SEC. 91.~~

8 *SEC. 103.* This act is an urgency statute necessary for the  
9 immediate preservation of the public peace, health, or safety within  
10 the meaning of Article IV of the Constitution and shall go into  
11 immediate effect. The facts constituting the necessity are:

12 In order to enable various regulatory boards in the Department  
13 of Consumer Affairs to better carry out their licensing and  
14 enforcement functions and for these boards to provide better  
15 protection to the people of the State of California as soon as  
16 practically possible, it is necessary that this act take effect  
17 immediately.